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Admission of students into the Presidency College.

168 Q.—Rao Sahib P. SUBRAHMANYAM CHETTI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) how many students were admitted this year into the Presidency College in the junior intermediate, B.A. (Pass course), B.A. (Hons.), B.Sc. (Pass course), B.Sc. (Hons.) and Post Graduate courses;

(b) what percentage of the above students were Brahmans, non-Brahmans, Muslims, Indian Christians, Depressed classes and others; and

(c) the district or districts to which the selected students belong?

A.—(a), (b) & (c) Two statements, ^a one containing the particulars required in clauses (a) and (b) and the other those required in clause (c) are placed on the table.

V.—ACTS ASSENTED BY HIS EXCELLENCY THE GOVERNOR.

* The hon. the PRESIDENT:—“ I have to announce that the under-mentioned Acts received the assent of His Excellency the Governor on the dates mentioned against each:—

The Madras District Municipalities
and Local Boards (Amendment) Act. 5th September 1933.

The Madras Local Boards (Fourth
Amendment) Act ... 5th September 1933.

The Madras Wild Elephants' Preserv-
ation (Amendment) Act ... 6th September 1933.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

VI.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 of 1931).

* The hon. Sir ARCHIBALD CAMPBELL:—“ Mr. President, I beg to move—

‘ that the Bill further to amend the Madras Estates Land Act, 1908, for certain purposes (Bill No. 12 of 1931), as amended by the Select Committee be taken into consideration.’

“ I introduced this Bill in this Council on the 26th January 1932 and on that date it was referred to a Select Committee. I presented the Select Committee's report on the 30th January 1933 but I did not then proceed to move the motion which I am now making because I understood that there was a general desire to postpone the discussion of this measure. But I then made an appeal to the leaders of both the landholders and the tenants to come together in order that they might arrive at some agreed measure: at least that was the intention underlying my appeal. During the nine months that have elapsed between then and now I am prepared to say that there has been a

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genuine attempt on the part of leaders of certain parties to meet together and to come, if possible, to some agreement. Unfortunately I understand that the expected agreement could not be reached on all points. Neither has any formal agreement been presented to Government on behalf of both parties on any point. But we have had presented to us by my hon. Friend, the Raja of Bobbili, draft amendments to my Bill purporting to carry out, as he interpreted them, the intention of the leaders of both the parties who have met together for the purpose of coming to some agreement. It seems to me that the time has now come that we should proceed with the discussion of the Bill which I introduced last year. I may have to repeat to some extent what I have said on previous occasions, but I feel that I must draw once more the attention of all hon. Members to the very long period of time during which this measure has really been under consideration. The original Bill, as amended by the Select Committee, was published in the year 1913, that is to say, twenty years ago. It was introduced by the hon. Sir John Atkinson on the 27th January 1913. On the same date, four private Bills were introduced and the hon. Mr. V. S. Srinivasa Sasriyar made a motion that the consideration of the Government Bill should be postponed. He said:—

‘I think for these reasons it would be necessary to postpone the consideration of this Bill in order that Government might take time to bring in a fresh Bill, larger and more comprehensive in its nature, taking such points in these four Bills as they think desirable to include therein.’

“That motion was seconded by the hon. Mr. A. S. Krishna Rao and was accepted by the Government. The hon. the President said:—

‘I may state that Government have no objection to the course proposed and this discussion may now therefore be adjourned . . .’

“Certain officers were placed on special duty for the consideration of the draft of the various Bills which were before the Government. The progress of the Bill was interrupted by the War, but in 1921, the Bill was completely re-drafted and in 1922 it was referred to a small Committee presided over by the hon. Mr. K. Srinivasa Ayyangar and including representatives of the various interests including landlords and tenants. Their recommendations were considered by the Government and the Bill was revised and a new Bill was drawn up which is usually known as Sir K. Srinivasa Ayyangar’s Bill. That Bill was again referred in 1924 to a Committee consisting of officials and non-officials. The hon. the Law Member, Sir C. P. Ramaswami Ayyar was the Chairman of that Committee; it went through the Bill section by section and finally appointed a sub-committee to draw a fresh Bill. The Bill drafted by the sub-committee is the basis of the Bill which I introduced in January last year. It was then referred to a Select Committee on which were persons qualified to represent both the landowners and the ryots and, having been present at the meetings of that Committee I can say that the points of view on both sides were very carefully, very fully and very impartially considered. Now, Sir, this Bill that I have introduced was originally introduced in 1913 to

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remove certain acknowledged defects in the existing Act. It does not confer any extra or special rights on landowners as some people seem to imply; on the contrary, I think it will place the tenants in many respects in a better position than they are in now. I feel, Sir, that the provisions of the Bill have been sufficiently considered and sufficiently long before the public for their implications to be thoroughly appreciated by all those who will be affected by them. I feel, Sir, that even if the representatives of one party or the other consider that my Bill goes too far or that it does not go far enough in certain directions, that is no reason for not carrying out amendments which are admittedly desirable. It will not redound to the credit of the Government or of any parties in this House if we do not carry out a measure of reform to the extent to which it is generally admitted to be desirable and even necessary. It will be no advantage to a party if it holds back certain benefits from landowners or from tenants, merely because it thinks that they ought to have further benefits. That surely is not conferring any real benefit on the community which it represents.

"We have had notice of a large number of amendments to this Bill and they will enable a full discussion to be had of the various provisions; and their implications and their effect upon the landowner and the tenant will be carefully threshed out in this House.

"I therefore beg to make the motion which I have moved at the beginning of my speech."

The hon. Sir M. KRISHNAN NAYAR:—"I second the motion."

* The hon. the PRESIDENT:—"The motion before the House is—
'that the Bill further to amend the Madras Estates Land Act, 1908, for certain purposes (Bill No. 12 of 1931), as amended by the Select Committee, be taken into consideration'."

* Mr. V. T. ARASU:—"Mr. President, Sir, I rise to move the amendment standing in my name, namely—

'add at the end of the hon. the Revenue Member's motion the words "this day six months".'

"My object in moving this amendment is not simply dilatory as perhaps some hon. Members of this House would believe or would have been made to believe by some interested parties. I personally feel that this problem, the problem of the ryots and the zamindars, which is a grave one in this Presidency, should somehow be settled as early as possible, and as satisfactorily as possible to both the parties concerned. I am not one of those who believe, Sir, that the zamindars as a class should be extinguished altogether. But, I firmly and sincerely believe that the zamindari ryot should be placed on the same footing as the tenant in the ryotwari area under the Government. That is the minimum that is required for the zamindari ryot. To achieve that aim we are anxious that a consolidated measure should be brought by the Government, a measure which would successfully solve the problem of the zamindar versus the ryot, but not a Bill like the one before us which makes amendments here and there and does not touch even the fringe of the problem.

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“ Sir, before I proceed further, I must correct one or two statements made by the hon. Member who moved the motion for the consideration of the Bill. The hon. Gentleman said that he refrained from making this motion in January last on the understanding that the Members representing the various interests would come together and come to some understanding which would enable him to bring forward the motion within a short time. Sir, if I may be permitted to correct that statement, I was one of those present at the informal conference held in the hon. Member's room. The understanding that was then arrived at was that the Government should drop the measure altogether during the lifetime of this Council and that it should be left to the new Council inaugurated under the reforms, whenever it may come, to solve this problem. That was the understanding, if I remember aright, and I am sure several hon. Members who were present at that informal conference would bear me out in this respect. But we are surprised that, contrary to that understanding, the Government should have come forward with the Bill at such a late hour as this. It was only seven days back that we received notice of the fact that the Government are going to move that this Bill as amended by the Select Committee be taken into consideration. I was surprised when I received the notice that the Government should have thought it right to treat the Members of this House with such scant courtesy; for they have given only seven days' notice for a Bill containing about 126 clauses, a measure whose effects are bound to be far-reaching. Moreover, there are over 500 amendments, if I am right, given notice of by non-official Members of this House. It is a pity that the Government should have given us only seven days' time to consider these amendments. Therefore, I submit there has hardly been any time for non-official Members of this House to study the Bill and the amendments proposed by several Members and understand their implications.

“ The hon. the Revenue Member in his statement said that ‘ the time had now come to proceed with the measure.’ I ask: what are the new circumstances that have come in since his attempt in January last and now? What are the new circumstances that have come in to warrant the Government bringing forward a motion that the Bill as amended by the Select Committee be taken into consideration? Sir, the hon. Member spoke at length how several Committees sat on this measure, and how they suggested suitable amendments to the Bill. I may submit in this connexion that although several Committees were appointed by the Government and each one of those Committees sat for several days, and as a result suggested amendments to the Bill, no Committee appointed by the Government undertook anything like an exhaustive enquiry into this problem, the problem of the equitable adjustment of the relationship between the zamindar and the tenant. No enquiry of that kind has ever been undertaken and when that is a fact, I fail to understand how that Committee can claim for itself, nay, arrogate to itself the right to suggest amendments in the interests of the ryot or of the zamindar. Perhaps a few prominent gentle-

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men whom Government thought were representatives of the various interests may have been invited by the Government to sit on that committee. But I ask: Have the Government at any time directly approached the problem by going to the zamindari areas and asking the ryots and the zamindars to place before the Government their difficulties in the matter? I think I can state without any fear of contradiction that this problem has never been attended to be tackled in this manner which I submit is the only proper one to do in the circumstances.

"It is stated in the Statement of Objects and Reasons appended to the Bill that this is merely an amending measure and that this is intended merely to effect some verbal amendments and to bring it in consonance with recent decisions; and this statement was reiterated with greater force by the hon. the Revenue Member just a while ago. I submit, Sir, and I shall presently point out to this House, that it is not so. The amendments proposed by the Government, the amendments carried by the Select Committee and the amendments given notice of by non-official Members opposite are of a far-reaching character. Therefore, it cannot be said that the Bill proposes only a few verbal amendments and that they can be disposed of by this House without any deliberation. A dispassionate and careful examination of the provisions of this Bill as amended by the Select Committee can only lead us to one conclusion, namely, that if the Bill as modified by the Select Committee is passed into law, the position of the zamindari ryot will become worse than it is now under Act I of 1908. The hon. Member said that they were not going to improve the position either of the zamindar or the tenant and that their respective positions would be just the same as they have been from 1908 onwards. I think it is my duty to show that it is not so.

"Sir, some new and valuable privileges are now secured under the Bill to the landholders to the serious detriment of the interests of the ryots, while little or nothing is done to improve the lot of the ryots. This is no empty statement. Sir, I can substantiate this statement by an examination of some of the provisions of this Bill. I would like, in the first instance, to take clause 2 of the Bill—section 3 of the Act—which relates to inams. Since the permanent settlement of 1802, zamindars and landholders of other description made numerous grants of land to their dependents and other favoured classes of persons either rent-free or at a favourable rent. These are known as darimila or service inams. In the original Act, the definition of a landholder included the grantee of such inams so as to prevent the alienated portion of the estate from being removed from the operation of the Act and to confer on the owner of the portion of the estate thus alienated the status of a landholder, and thus secure to the ryots in such inam lands the benefits of the Act. Persons admitted to the occupancy of such inam lands by the inamdar consequently acquire occupancy rights by virtue of section 6 of the Act. I am referring to Act I of 1808. The post-settlement inamdars made tremendous efforts to wriggle out of this

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provision and the Madras High Court and the Privy Council also in some cases by their numerous decisions laid down that the ryots in occupation of such post-settlement inams had occupancy rights. But the amendment that has been effected by the Select Committee proposes to nullify the effect of the rulings given by the Madras High Court and the Privy Council in several cases which came up before them. The Bill definitely abrogates the provision of the original Act in this matter and lays down that the grantee of an unoccupied or non-occupancy post-settlement inam land is not a landlord and that none of the provisions of the Act should apply as between such grantee and any person holding lands under him. This provision has two far-reaching effects, one in regard to the future occupants and the other in regard to the present occupants. This provision also creates facilities to landholders to put up benamidars as grantees and to make the ryoti land in their estates virtually their private land. Sir, I submit that, by this amendment, an amendment which has been carried out by the Select Committee, the position of the inamdars and the ryots is changed materially and therefore it is not merely a verbal amendment as the hon. the Revenue Member would have us believe.

“Sir, I will give another instance, the instance of lanka lands. Sir, in some of the rivers in this Presidency, particularly in the Godavari and the Kistna, there are islands with a considerable extent of cultivable land and very valuable crops are raised on them. On account of the annual alluvial deposits during the flood season, the soil of some of these lanka lands is very rich and fertile and the kist paid on these lanka lands is consequently high comparatively . . .”

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* The hon. the PRESIDENT:—“I am afraid the hon. Member is dealing with the details of the Bill. I think he will do well to confine his remarks to the motion which he has moved. He may reserve his remarks regarding the details of the Bill to a later stage. I would like the hon. Member to argue only in favour of the motion that he is moving.”

* Mr. V. T. ARASU:—“I bow to your ruling, Sir. I am quoting these instances in support of my statement that the hon. the Revenue Member is not correct in maintaining that the amendments effected by the Select Committee are merely verbal and are not of a far-reaching character. I am quoting several instances where the Select Committee have effected amendments which are of a far-reaching character.

“I was saying that the lanka lands are treated, in the original Act as it stands, like other cultivable lands in the State. But under the amendment carried by the Select Committee, the lanka lands are going to be divided into three classes and this is a new innovation which has been introduced by the Select Committee. The Bill puts the lanka lands on a special unfavourable footing from the ryots' standpoint,

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by creating new rights to landholders thereon. Under the present Bill, the ryot will no longer be able to acquire occupancy rights. He can acquire it only by grant or by continuous occupation for twelve years.

“ From the two instances that I have quoted, namely, the instance of clause 2 wherein the position of the inamdar has been changed and the instance of lanka lands, it must be evident to anyone who examines the provisions of the Bill, that very valuable rights acquired by ryots in regard to occupation of lands in zamindaris have been materially changed and the zamindars and landholders are placed in a position of advantage compared with the ryots. I may also refer to some minor clauses in the Bill wherein amendments have been introduced which are distinctly prejudicial to the interests of the ryots. Take, for instance, section 17-A which says ‘ Every landholder by himself or his duly authorized agent may at all reasonable times enter upon any land in his estate for any of the purposes of this Act and may also measure any land for any such purpose.’ I think the hon. the Revenue Member would agree with me that this is a most objectionable provision, at any rate from the point of view of the ryot. The landholders have very little to do with such lands. It is a well-known fact the farm-houses of some ryots are part of holdings. Why should the landholder and his authorized agent have access to such lands at all reasonable times and for all the purposes of this Act? ”

* The hon. the PRESIDENT:—“ May I once again draw the attention of the hon. Member? The hon. Member may give his reasons why he wants that the consideration of this Bill should be postponed and how the postponement will be useful in remedying the defects. If the hon. Member wants to go into the details of the sections and of the amendments which he wants to be incorporated, it will be completely out of order.”

* Mr. V. T. ARASU:—“ I bow to your ruling, Sir. I was saying that far-reaching amendments have been introduced by the Select Committee and this House legitimately expects the Government to give sufficient time to hon. Members of this House to consider the Bill as it came from the Select Committee in all its aspects. For that purpose, time is necessary and without time, it would not be possible for this House to proceed with the measure. As hon. Members are fully aware, notices of about 500 amendments have been received and they have been placed before hon. Members of this House just this morning. It is hardly possible for this Council—constituted as it is—to go through such an intricate measure as this with 126 clauses and 500 amendments thereon. When such important measures come up before legislative bodies, it is the practice all over the world that some sort of understanding is come to by Party Leaders and by people representing various interests, by which only important amendments are moved on the floor of the House—say, about half a dozen or a dozen. This is what is being done in all countries where Parliamentary institutions exist. That practice is a wholesome one, and one which this

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House would do well to follow; because, no legislative body is competent enough or has got the requisite time to go into a measure of this kind clause by clause and to consider all the amendments that may be placed before it. That is absolutely impossible. It is therefore that I submit to the hon. the Revenue Member that the consideration of this Bill may be postponed by about six months. It may be possible for Members of the Government to convene an informal meeting of some Members of this House and dispose of several amendments. In that case, all the amendments given notice of now may not come up before the Council and the valuable time of the Council would not be wasted. What would happen otherwise? I for one dread to think what is going to happen if the Government should insist on proceeding with this measure, if these 500 amendments are going to be discussed threadbare and disposed of. I submit that the Government would not be able to do so even if this Council should sit day to day for six months. With all the earnestness at my command I request the Government to postpone the consideration of this measure by about six months. In the meanwhile, convene an informal conference to discuss these amendments and dispose them of. When a common understanding is arrived at, I am sure hon. Members would waive their right of giving notice of amendments and moving them in the open Council. In that case it would be easy for the Government, and it would be easy for the hon. Members of this House, to pass the Bill by sitting for a day or two. On the other hand if we are to consider the Bill now clause by clause, it would not be possible for a House consisting of one hundred and odd Members to consider carefully such an intricate measure as this. I would once again appeal to the hon. the Revenue Member to accept this amendment of mine and in the meanwhile to explore all possible means to come to some sort of common understanding with regard to this measure."

* Mr. YAKUB HASAN:—"Mr. President, Sir, in January last when the hon. Sir Archibald Campbell said that he was not going to move the motion that stood on the agenda in his name, it was expected that it was recognized by the Government that that Bill had not met the situation and that it was necessary that some other Bill should be introduced which will be more comprehensive and which will settle the question once and for all. Sir, after that, when Mr. Venkatachalam Chetti asked for leave to introduce his Bill, it was suspected that that Bill was opposed to the interests of the zamindars and that it stood more for the rights of the ryots. Instead of allowing that Bill to be introduced it was suggested that it would be more proper if a third Bill could be brought before this Council which would incorporate the provisions of the Government Bill and those of Mr. Venkatachalam Chetti's Bill and that serious omissions in these two Bills also might be filled up. Conference was the only method by which a compromise could be arrived at and such a comprehensive Bill could be formulated. The attempt made by the hon. the Chief Minister failed in that respect as is evident from the several statements that have

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appeared in the Press. At the last moment this Bill has been suddenly flung upon this Council and now Sir Archibald Campbell tells us, 'whatever amendments you want to bring can be brought and you can improve the Bill by means of amendments.' If all the 300 or 500 amendments are taken into consideration and some of them are passed, the result will be that the Bill will be radically different from the Bill that is before us now. This is not the proper method of legislating, that a Bill should be brought forward and hon. Members should be asked to improve it out of all recognition by means of 500 amendments. This is not the way in which legislation should be proceeded with. It is quite apparent that the Government wants a certain Bill to be passed. There is no other measure before the Council. The Government seems to consider it necessary that this Bill should be passed without delay. By a sort of a conspiracy with the zamindar Members and with the support of the nominated Members, it is thought that they will be able to carry their points and that the Opposition will be defeated. None of the amendments that have been brought forward by the Opposition Party will have any chance of getting through.

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"Sir, this is not the way of dealing with such an important legislation. It has been pointed out that ever since this Act was passed in the year 1908, it was found that it was defective in many ways. In the very next year, 1909, certain amendments were made to it. After that in 1913, the Government brought in an amending Bill again. And during the next twenty years, committees after committees have sat and they were not able to produce a Bill that was satisfactory to all concerned. Compared with the long period that has elapsed since 1908, I ask, is this six months such a long period that you cannot agree to the postponement? If postponement for six months is agreed to, another attempt might be made in order that a more comprehensive Bill might be placed before the Council which we can deal with in a more satisfactory manner than we can do with this Bill with 500 odd amendments.

"So, I second this proposition which is now before the House, and I appeal to the House to accept it."

* The hon. the PRESIDENT:—"The amendment is to *add* at the end of the hon. the Revenue Member's motion the words 'this day six months'."

* Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, Sir, I rise to move—

'that the consideration of the Report of the Select Committee on the Madras Estates Land Act (Amendment) Bill be deferred until such time as my Bill (the motion for leave to introduce which was adjourned for consideration to this meeting) reaches the same stage as Sir Archibald Campbell's Bill.'

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" Sir, I take it that I have got to speak now not only upon my amendment, but also on the main proposition made by my hon. Friend, Sir Archibald Campbell, viz., that the consideration of the Bill be taken up.

" Sir, I approach this rather important subject with great reverence and humility. The complexity of the many problems involved in this measure and the great importance attached to the solution of many of those questions by the ryots who have got the misfortune at present to live under the regime of the zamindars, make my ignorance of and inexperience in these matters a double wrong to myself. I derive no consolation in the fact that most of the hon. Members either on this side or on that side are in the same predicament, if not worse; but I dare say that the literature that is available in connexion with this important measure, illuminated by notes and minutes of experienced administrators from Mr. G. S. Forbes downwards right up to the gentleman at present in charge of this subject, i.e., my hon. Friend, the hon. the Revenue Member, would be more than enough to dispel any ordinary amount of ignorance that might prevail in regard to this measure. I consider, Sir, that in spite of the fact that there is not much in common in many matters between the Government and the governed to-day, there are some matters in which all parties of this House and the Government could see eye to eye. And I consider that the relationship between zamindars and their ryots is the topmost in that list. As a matter of fact, my hon. Friend, Sir Archibald Campbell, was more than anxious to see that the grievances of the ryots and of the zamindars were settled by mutual conference and that they should themselves put forth an agreed measure for the acceptance of the Government. I hope, Sir, that the same attitude and the same wish to be neutral, to be disinterested and to see that the mutual relationship between the landlord and tenant is one of amity, still continues in the mind of the hon. the Revenue Member.

" It is not my intention, Sir, to deprive the hon. the Revenue Member of the well-merited appreciation of the people for piloting a measure of this importance. As a matter of fact, Sir, I may say that his desire to do good to the ryots of the zamin areas appears to be unsurpassed. It is not my intention, therefore, to obstruct the measure, if that in my opinion and in the opinion of those ryots who are living in the zamin areas, is calculated to improve their present conditions even to the slightest extent. My hon. Friend, the Revenue Member, referred in his speech to the long period of gestation of this Bill. It appears to me that it is a longer gestation than that of an elephant. It must therefore be conceded that it could not have been without strong and sufficient reasons that this measure was from time to time postponed consideration in this House. Well, Sir, is it mere obstruction, is it mere mischief, is it a mere desire or a bid for popularity that made successive Houses, or compelled them, to have this measure adjourned? My hon. Friend, the Revenue Member, again quoted extracts from the speech of the Right Hon. V. S. S. Sastri. What we gather from that speech is only that

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several hon. Members comprising that House expressed or put forth certain very important points which were not included in the Bill which was then considered, and therefore they requested the Government to withdraw that measure, so that they might bring forward another Bill containing all the points which had been raised by the hon. Members of that House. The Governor, who was then the hon. the President, very rightly accepted that view and promised to bring forward another Bill. The result is the present Bill after undergoing various stages!! It is not however left to this House to know whether the points which were raised by the hon. Members of that House have been included in successive Bills, and if in spite of their inclusion, the House rejected those Bills. Evidently, those points could not have been included; otherwise, there could have been no reason why the House did not consider those Bills.

"Sir, the hon. the Revenue Member in his speech on the 26th January 1932 stated:

'This Bill is intended as an amending Bill to set right certain difficulties which have been found in the working of the Estates Land Act of 1908. Certain amendments were made in 1909, and further experience has shown that the amendments did not go far enough and that there are other difficulties which should be rectified. Various representations were received in addition to the report received from the Board of Revenue on the subject. The Government drafted an amending Bill in 1913, and that Bill elicited four private Bills and numerous other proposals. While Government were considering these various Bills, this important measure was postponed until after the close of the War.'

"I shall now take you to the latter portion of his speech:

'The Bill only aims at removing certain difficulties which have been found in the working of the existing Act. It does not aim at conferring any new rights or other powers upon either the zamindars or the ryots. It does not aim at placing any disability on either party; but the aim is rather to facilitate the carrying out of the various principles on which the Act of 1908 is based.'

"If I may take the House to the principles upon which the Act of 1908 was based, I cannot do better than reproduce here the most telling words of the hon. Mr. G. S. Forges in defining the legal status of the zamindar and the ryot:

'The legal status of the zamindar under the permanent settlement cannot be put higher than that of an assignee of the public land revenue. I say the legal status because it is the only matter which concerns us in the present discussion. Attempts have been made to draw a distinction between zamindars who in 1802 were of comparatively recent origin and zamindars who were representatives of ancient families, who it is claimed had at one time larger interests in the country than mere farmers of the land revenue. Especially are these claims urged in respect of some of the great zamindars in the Northern Circars. But whatever these ancient rights may have been, they had been absolutely destroyed as matters of legal right by the Mogul and Muhammadan Governments. I have made a careful examination of the history of the 18th century, and I dare to say that there is not a single instance in which the ancestors of the present zamindars were not treated and regarded by the Muhammadan Government and its Viceroys at Hyderabad as farmers of the revenues. No doubt the Muhammadan rulers found it expedient and advantageous to employ members of the ancient Hindu families who had established themselves in the country to undertake the duties of collection and act as their receivers generally, but they never accorded to them any legal rights beyond, and the whole history of the times is a history of perpetual change among the zamindars, old zamindars removed and new zamindars appointed, and again old zamindars restored; and in the distractions of the times the

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strongest and most acceptable survived. Such changes were strictly in accordance with the constitutional rights of the Sovereign Power. In the same way the engagements between these zamindars and the State were subject to revision at every renewal of the lease. I do not mention these facts with the view of derogating in any way from the dignity which justly attaches to the present representatives of these ancient families. Their ancient lineage if they discharge their duties and responsibilities faithfully will always assure them of a full measure of the respect and consideration of the Government and among the people the social dignity which is their due.

“ Having laid down this *magna charta* for the ryots living in the zamin area, he proceeded to fix up the rent and other rights in respect of the tenure which the ryots were holding. Apart from conferring occupancy rights, the question of rent was the other important thing which engaged the attention of the hon. Mr. Forbes. Sir, he has made provision that the ryot has got only to pay a ‘ fair and equitable rent.’ Probably he meant in that phrase that the rent would be such as would not be considered a tyrannical exaction. Naturally, the framer of a law ought to leave these matters for the courts to decide and also to take into consideration the opinion of the times. Sir, he was moving that Bill in a Legislative Council which was a thoroughly unrepresentative body so far as the ryots were concerned. It was a Council of pre-Minto-Morley Reforms, where the interests of zamindars, of the antiquated zamindars, the big landholders and the capitalists dominated more than anything else. It was in such a Council that the hon. Mr. Forbes had to pilot that Bill. Naturally, he should have hesitated a hundred times before he could give full effect to what he meant by ‘ fair and equitable rent.’ Even to this modest demand, there was such an opposition both in the Select Committee and in the Council in respect of the right of occupancy, in respect of the inclusion of lanka in the ryoti lands and various other things, that Mr. Forbes merely left the phrase ‘ fair and equitable rent ’ without a proper definition. But the courts which had subsequently to decide what a ‘ fair and equitable rent ’ was, were naturally guided by the rent then prevailing in the country. The very fact that the hon. Mr. Forbes was considering the introduction of an Estates Land Bill gave ample opportunity to the zamindars to increase the rents from time to time.

“ The immediate benefit of the Madras Estates Land Act even before it became an Act was that the ryots had to submit to the increases, the tyrannical increases, the extortionate increases in the rents within the short period of three or four years. Therefore when the measure became an Act, the rents that were increased by the cleverness and the intelligence of the zamindars foreshadowing a measure of this sort, came to be regarded as fair and equitable. That they are never fair and equitable can be attested by no less a body than the Board of Revenue whose opinion I shall read to the House. It is not Professor Ranga that is saying it; it is not Sami Venkatachalam Chetti that is saying it, but it is the Board of Revenue. At page 204 of the Land Revenue Administration, the Board says:

‘ In zamindari areas the rentals are often extremely high as compared with the neighbouring Government assessments owing to the fact that having been permanently settled in 1802 they either retain the *paimash* rates similar to those

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of the Government areas at the period including the now obsolete garden tax, or where untrammelled by such rates, they are able to make their own bargains with their tenants, or they have commuted the amounts due under the sharing system into money at their own rates. In a zamindari now under the Court of Wards the Board has found that the highest wet rates are Rs. 45 per acre for which, however, the ryot may raise two crops if he can; the garden rates run up to Rs. 15 per acre. These are maximum rates but are actually being paid. The rate payable for betel-leaf garden is fixed at Rs. 32 per acre. The maximum wet rates for Government lands in the three neighbouring districts are Rs. 10, Rs. 8 and Rs. 7-8-0 respectively, with the addition of one-half extra when a second crop has been raised. The moderation of Government assessments may be gauged from the figures. In considerable areas in the Godavari delta good zamindari lands are rented to tenants for growing paddy at Rs. 25 to Rs. 30 plus the Government water-rate and at much higher rates for sugarcane. The Board is not defending these rentals, but they are payable and are being paid.'

"Therefore it is evident that the hon. the Revenue Member in bringing forward this measure is not tackling this very important question. Admittedly he is not. But if we examine whether even in the rectification of minor defects there has been anything done or there has been any intention on the part of the hon. the Revenue Member to place the position of the ryot on a better basis. I beg of you, Sir, to examine the notes on clauses in the Bill as it was introduced.

"Clause 2 (section 3) is inconsequential because it seeks to define the word 'Collector' in accordance with the present conditions. The note on sub-clause (3) says that 'trees are now excluded from *Holding* and the effect is that, though tree tax was in some cases included in the assets on which the peishkash was calculated, the landholders are denied the advantages of the summary process provided by the Act for recovering this income.' Therefore, Sir, the hon. the Revenue Member has come in with his Bill to tighten all the more the grip on the ryot and give power into the hands of the zamindar for recovering this income by summary process. So, Sir, that was the intention so far as clause 2 is concerned. Then, it is said, 'the policy of the Act is to discourage separate pattas for trees as distinguished from the land and to recognize or create rights in favour of the ryot to all trees in his holding subject to certain limitations. But where trees are held on patta independently of the land, it is necessary to allow the landholder to recover the rent of trees in the same way as the rent of the land.' Therefore, what was intended as a coercive process in respect of land has also got to be applied even in respect of trees. I suppose, Sir, in the face of this explanation, the hon. the Revenue Member would not claim this section at least to be beneficial to the ryots for whom he seems to be pleading so hard. With regard to sub-clause (4) we find that 'a Full Bench of the High Court has decided that a minor darmila inamdar is a landholder within the meaning of the Act quite against the intention of the Legislature. The explanation is added to get rid of the effect of this decision.' So, they welcome the High Court decision making the minor darmila inamdar also a landholder, thus taking the trouble of excluding him from the operation of this Act and also considering that that was the intention of the Legislature. Sir, it is a question of doubtful utility or importance either to

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the inamdar or to the ryot. At any rate, it is not a matter upon which the ryot should be congratulated on getting a favour from the hon. the Revenue Member.

“ Under sub-clause (5) we find that the Bill makes special provision in the case of lanka—vide sub-clauses (6) and (9) (ii) of this clause and also new section 19-A inserted by clause 11. It is added that a definition of lanka is obviously necessary. That is also not very important.

“ The note on sub-clause (6) says:

‘ It is considered expedient to include in the category of “ old waste ” lankas declared by the District Collector to be ryoti land under the provisions of new section 19-A inserted by clause 11. A tenant that might apply under that section is exposed to the risk of being at once evicted by the landholder. Once it is declared ryoti, admission of any person, even of one who contributed no share whatever in its formation, would confer on him a right of occupancy. By declaring the land as old waste, a mean is cut to the advantage of both the landholder and the occupancy tenant and might conduce to an amicable settlement of their relations.’

Therefore, Sir, when there was the slightest loophole by which a ryot can claim a lanka land to be a ryoti land and thereby demand occupancy right, the Government want now to make it so clear as to prevent the ryot from presuming impertinently in favour of occupancy. It is said that certain concessions be got by mutual arrangement between the zamindar and the ryot. I do not know whether this is a power given to the zamindar or the Government to extort more from the ryot.

“ Sub-clause (7) is not very important.

“ Sub-clause (8) contains this note:

‘ Rent paid for trees held apart from the land on which they stand has been included within the scope of the definition of *rent*.’

This is really tightening the grip on the ryot, as I already said, in regard to the right to include the tax on trees also as coming within rent so as to make it available by coercive process for collection.

“ The note on sub-clause (9) says that ‘ tank-bunds and the beds and bunds of supply, drainage, surplus or irrigation channels stand on the same footing as tank beds. Hence all those beds and bunds have been included in clause (a), thereby removing them from the category of ‘ ryoti ’ lands. There was at least some chance of the dried up tank beds to be considered ryoti and occupancy right claimed in regard to them. But in order to make this possible and make it clear, the hon. the Revenue Member goes, according to him, to the support of the ryot and excludes it from the category of ryoti land and places it at the disposal of the zamindar to give it to the highest bidder.

“ Sub-clause (9) (ii) says that it is considered desirable that legislation should respect custom in this matter, etc. I do not know if the hon. the Revenue Member intends it to be beneficial to the ryot.

“ Under clause 3 (section 4) it is said:

‘ A person who without the permission of the landholder occupies ryoti land for twelve years acquires a right to it without any obligation to pay rent to the landholder while the liability of the latter to pay peishkush to the Government

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would remain unaffected. It is considered desirable to provide that such a person should acquire only the rights of a ryot and should be liable to pay rent to the landholder. With regard to horticultural lands it is said that it is considered desirable that admission to horticultural or orchard land for raising a crop occasionally should not confer an occupancy right in such land any more than admission to forest land does in similar circumstances.

I hope this is one more gain conferred on the ryot. Item (d) says:

'The landholder who has acquired lands under section 186 should be allowed temporarily to let the land for agricultural purposes before they are actually used for the purposes for which they were acquired and such letting should not confer any right of occupancy in the lands so let.'

"Therefore this is supposed to be intended for the benefit of the ryot, because it operates as a reduction in the title to the right of occupancy which was conferred by the hon. Mr. Forbes.

"Under clause 5 which corresponds to new section 6-A, it is said:

'The new section corresponds to section 7 of the existing Act which, as it stands would convey the idea that if a landholder does not reserve mining rights when admitting a ryot to any ryoti land including old waste, the mining rights would vest in the ryot. But the intention generally is that mining rights are reserved for the landholder. Hence the change in the language.'

May I ask the hon. the Revenue Member respectfully if this also is advantageous to the ryot, and whether the ryot is to be thankful to the Government for this benefit.

"Under clause 7 (section 8) we find:

'This explains part of the amendment. The amendment also enlarges the rights of the landholder in the case where he inherits the rights of a ryot in a holding. Present sub-section (4) gives the landholder a right to let a holding inherited by him on such terms as he pleases and to prevent the acquisition of occupancy rights therein only for a period of twelve years. The amendment made in sub-section (1) has the effect of permitting the landholder to hold it as an occupancy ryot as well as a landholder without any restriction in time.'

That again is a boon conferred presumably on the ryot. The note says:

'Instead of excluding from the estate lands in an inam village in which there is a merger of kudivaram and melvaram, such lands will hereafter be treated as the inamdar's private land.'

"Clause 8 (section 12):

'According to the decisions of the Calcutta High Court a tenant of a holding in which there are trees is entitled to cut them down but he is not entitled to carry them away or make a profit of them. A decision of the Madras High Court has held the contrary. This clause is intended to prevent the Calcutta view being upheld at any time.'

This makes the position of the ryot much worse. The note on the next clause says, Sir, . . . "

* The hon. the PRESIDENT:—"I take it that the hon. Member is speaking upon the main motion also."

* Mr. SAMI VENKATACHALAM CHETTI:—"Yes, Sir. Sir, clause 9 (section 13) which says that the landholder will not be entitled to a higher rent on account of any improvement towards the cost of which he has not contributed. But clause 10 gives some concession to the ryot. But at the same time the right of entry has been restricted to all reasonable times. What is 'reasonable time' is to be determined. We know,

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Sir, how the Government goes to the rescue of the zamindar in cases of wrongful entry. But whatever it may do, we have got at least some protection in this matter, I admit.

“ Under new section 10 we find :

‘ The Collector has been empowered on the application of the landholder or other person interested to determine whether any specified land falls within the terms of any of the sub-clauses (a), (b), (c) or (d) of clause (16) of section 3 and to determine the customary rights of the user of such lands at the commencement of the Estates Land Act, that is to say, on 1st July 1908.’

I think, Sir, this presumably refers to grazing and other rights upon which there is a lot controversy, trouble and discontent among the ryots. The note goes on :

‘ This section is necessary to decide disputes which may arise in connexion with the question whether any specified land is a tank-bed, etc., or what the customary rights in the user of such land are. It should be noted that sub-clause (a) of clause (16) of section 3 has been expanded so as to remove not only tank-beds but also the bunds of tanks and the beds and bunds of supply drainage surplus or irrigation channels from the category of ryoti land.’

What it is that is to benefit the ryots in the matter of grazing, etc. God alone knows.

“ In section 20, the District Collector is given power to divert any land which is not required for communal purposes, for which it was originally reserved. Before doing so, the Collector should have due regard to any other customary rights of the landholder or the ryots in the use of such land. I do not propose to speak anything about that. Section 20 also enables the Collector to take eviction proceedings. That again is a power newly created.”

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* The hon. the PRESIDENT :—“ May I point out one thing to the hon. Member? Is he going to read all the 20 pages that are before him or is he going only to mention the sections and make his comments thereon? I think the latter is much better; instead of reading 20 pages, he can refer to the sections and make his comment thereon.”

* Mr. SAMI VENKATACHALAM CHETTI :—“ I am only reading the relevant portion. I will refer to the relevant portion and explain how it is not beneficial to the ryot. Again, section 20 makes some provision for the acquisition of lands for communal purposes and the costs thereon. But the provision made is quite unsatisfactory. Clauses 14, 15 and 16 are considered desirable. This is very important and therefore I have to read it. ‘ It is considered desirable that Collectors should determine claims for enhancement or reduction of rent by means of applications instead of by suits and hence the changes.’ This means all applications. It might appear to be an easier method. But I am afraid having regard to the number of people that have to join to put in an application, the concession that is intended to be shown, becomes quite nullified. Here, Sir, in determining whether a contract is reasonable or not, the Collector is to be guided by considerations mentioned in sub-section (1) of section 32, except the last, viz., the existing rent and the ability of the land to bear a higher rent. It is a very doubtful language whether the Collector should not take the existing rent and the ability

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of the ryot to bear a higher rent. Whatever might be the capacity of the ryot to pay, if the ryot and the zamindar enter into an agreement for rates which may be a few times higher than what is warranted by the ability of the land, the Collector should be guided by the agreement and not the consideration of the prevailing rate in that area. That is indeed a very cruel measure to be placed in the hands of the Collector to the detriment of the ryot. It is stated that the ryot is the best judge of this, and that the Collector need not adjudge a contract to be unreasonable merely on this ground. So, whatever might be the terms of the agreement, the Collector ought not to be led by any other consideration. He has got only to see whether an agreement has been arrived at and if effect is given to that. Even if the agreement rate is considerably higher than that in the surrounding zamindari areas, the Collector ought not to be influenced by that consideration and must enforce the agreement entered into between the zamindar and the ryot. With regard to section 42, it is said that it is just and reasonable that parties should go to the Collector only when there is a dispute as to increase or reduction of rent and not where there is a specific agreement between the parties or where the rent is fixed with reference to area. Sir, it has all along been said that the zamindars are able to extract these agreements irrespective of other considerations and that such contracts entered into with a person who is not in a position to resist the inducements or the extortion and influence of the zamindar should not carry so much sanctity attached to them for fulfilment as against the prevailing rent. It therefore seems to be rather a reactionary proposal that has been intended to be incorporated in this Bill. Pasturage fees and fishery rents are included in the definition of rent and forest fees have also been added by the amendment now made and though these are all recoverable, by summary process should appear in the patta. Sir, with the best of intentions and with the greatest scrutiny that I can bestow on this Bill, I cannot come across a single provision which is apparently in favour of the ryot or which seeks to take away some of the existing powers of the zamindar in the matter of extortion or in the matter of giving concessions regarding grazing grounds. Therefore, the claim that has been made by the hon. the Revenue Member that this Bill was intended to rectify certain defects may be no doubt correct. But to say that this facilitated the removal of certain grievances under which the ryot is suffering is an extravagant claim and cannot for one moment be sustained as stated in his own notes. Sir, the ryot therefore feels that a measure which is not calculated to at least lessen some of his more important grievances is not the one that he would favour. Therefore it is that we obstruct at the passage of this Bill. It is not that we can possibly induce either the hon. the Revenue Member or those sitting along with him to improve the present Bill, but it is because at present it is impossible to remove any of the major grievances by this Council. I only want that justice should be done to the ryot. Whatever might be the obligations of this Government to the zamindars and *vice versa*, there is no reason why the Government should abandon its legitimate duty of protecting the zamindari ryot.

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If the hon. the Revenue Member is in a position to say that the zamindari ryot is treated fairly and justly and that his condition is no worse or no better than that of the ryot living in the ryotwari area, then there is no need for anybody to trouble this Government for a more comprehensive measure. But admittedly from the statement of their own Board of Revenue, the rentals that are being paid by the zamindari ryots are four and five times higher than what the ryotwari area tenant is paying. Even with regard to those lands, we are never tired of bringing to the notice of the Government the severe and acute incidents of those taxations and press upon the Government the necessity for a reduction of taxation and for putting the land revenue policy on a Statutory basis. It is only in the meeting of the last Council that everyone of us vied with each other in asking a remission of the land revenue in regard to the ryots of the ryotwari area. Having done that, what justification is there for a ryot who is obliged to pay four or five times that rate, whatever may be the sanctity of the arrangement which the Government have entered into with the zamindar, to continue to do so? I suppose that the arrangement which the Government have entered into with the zamindar does not include the economic slavery of the ryots of the zamindars. I do not think the Government are competent to hand over the economic prosperity and the economic condition of the ryots entirely into the hands of the zamindars. After all, as has been stated more than once by more authoritative persons, the zamindars are no better—if I may say so without meaning any disrespect to their dignity or influence—they are no better than the former revenue toll-collector in this Presidency. We have disposed off the toll-gate keepers and the consideration which they used to pay to local bodies. In effect, the zamindars are in no better position so far as the legal position is concerned. But while assigning the right to collect certain fees for enjoyment of certain rights, do we not lay down the maximum and minimum fees in respect of those rates? With regard to electric licence and licence to the Railway companies, while we give the monopoly for certain privileges, the Government takes care to fix up the maximum and minimum within which alone they can operate their rates. There is no such thing in the zamindari area. It was thought in respect of the permanent settlement or the sanad that might have been entered into with these zamindaris, that when the suzerain power wishes, it has the right to withdraw those rights if they are exercised improperly. As a matter of fact, the Court of Wards Act provides that, if a person uses the power that he has acquired from the Sovereign power in an improper way, it is the legitimate duty of the Sovereign power to step in, to stop that irregularity. The position is no doubt getting very very serious and it is not either in the interests of the zamindar or the ryot to allow this kind of situation to go on. Sir, hon. Members on the other side, at any rate, their party organ in order to carry out their policy of getting on with this measure has characterized my Bill as confiscatory, revolutionary, and expropriatory. I am afraid they have made a wrong use of those epithets. I challenge any Member of this House to point out one section which is confiscatory, revolutionary or expropriatory or anything which he himself

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has not urged this Council to exercise. The hon. Members for Trichinopoly and Tanjore have been carrying on an incessant agitation for the reduction of land revenue. That does not seem to be revolutionary, confiscatory or expropriatory. If there is consistency in those gentlemen who have asked for remissions in respect of land revenue in this Province in the ryotwari area, they should set their face against this measure. Now, with regard to the hope that the hon. the Revenue Member expressed that he had desisted from moving the present motion on the last occasion with the hope that the representatives of the zamindars and tenants would come to some agreement and he would be in a position to pilot a more agreed Bill, I am afraid, Sir, the hon. the Revenue Member whether intentionally or unintentionally, whether with his knowledge or without, is being made or has been led to short-circuit a Bill, for which I had asked for introduction."

At this stage, the House rose for lunch.

After Lunch (2-30 p.m.)

* MR. SAMI VENKATACHALAM CHETTI:—"Sir, having attempted to disprove the case of the hon. the Revenue Member that the Bill that he had originally introduced was at least in some particulars in favour of the ryots, I proceeded to the question of the conference which was supposed to have been held between the leaders of zamindars and the representatives of tenants. Sir, here again, the hon. the Revenue Member was more than unfair to this side to suppose that what he had heard from the Raja of Bobbili was beyond criticism or beyond contradiction. Sir, the facts of the case are simple. Before my motion for leave to introduce the amending Bill to the Madras Estates Land Act came up for discussion in this Council, the hon. the Raja of Bobbili invited a few of his friends amongst whom I was one. At that meeting, he and his zamindar friends tried to persuade me to put off making the motion of which I had then given notice. After some discussion, I told them that I myself would not act on my own authority, but that I should consult some ryots' representatives before I could agree to comply with that request. The ryots did not like the idea, even if I intended to do so—that is to put off asking for leave to introduce my amending Bill. Therefore it was that I moved for leave to introduce it. It is, Sir, within your knowledge how the hon. the Raja of Bobbili, with the aid of the Government, short-circuited my Bill quite unusually. It was an unusual procedure that he resorted to, a procedure which, if conventions have got to be respected, if understandings that are arrived at between respectable Members of this House should be observed, ought not to have been resorted to at least by a person of that responsible position and in that responsible office. However, the zamindars, if they wanted to achieve an object, do not seem very much to care how that object is to be achieved. Therefore, quite unusually, they resorted to the procedure of adjourning the consideration of the motion for leave to introduce that Bill. But, in doing so, he made the

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House believe that the motion which he was then proposing was calculated to be in the best interests of the zamindars and ryots, that he was devoutly and sincerely wishing for a reconciliation and compromise on several important matters affecting their interests. It would almost appear from that statement that any opposition at that stage to the course suggested by him would be detrimental to such harmonious relations that might result from a conference of that sort. Whether the hon. Member who voted with me believed in the sincerity of that statement or not, there is no doubt that the majority was in favour of adjournment and it was carried. But, I must say that in pursuance of that statement he did invite for a conference a few persons representing both the interests. That meeting was fairly representative from our own point of view, though there was no ryots' organization representative in that conference. Still having assumed some responsibility to espouse their cause, we thought for the time being we will be sufficient to deal with questions that might arise in the conference. But, at the same time, I for one, even at the very preliminary stage of that conference, expressed in clear terms that the discussions ought to be tentative, that the conclusions when they are agreed upon by the conference will have to be forwarded not only to the Landholders' Association but also to the Zamin Ryots' Association and the names of the representatives would be recommended later on. The discussion proceeded upon the most important points, namely, fixation of rents, remission of rents, grazing facilities, provision for maintenance of irrigation works, and inclusion of inams. These are the most important items that were discussed. Sir, luckily, I was taking notes of the discussion that was proceeding at that conference. The point of view of the ryot was that with regard to rent it should be more or less on the basis of ryotwari rents; with regard to grazing facilities, wherever there are no facilities, the zamindar must accept to allocate certain plots for this purpose; as for irrigation facilities, the zamindar must set apart a certain percentage of his income at least from wet lands for the purpose of maintaining irrigation works in proper repair, to which the hon. the Raja of Bobbili, the enlightened zamindar as he is, the more reasonable zamindar as he is, appeared to have agreed to most of them except with regard to the proportion of rent to the gross produce. He demurred to the demand of the ryots' representatives to be treated on the same basis as the ryotwari ryots. He said that he would suggest on behalf of the landholders that the rent should be half of the gross produce. Immediately, it was an actual ryot in a zamin area that was present who strongly rebutted that statement by saying that, if half the produce is given away to the zamindar as rent and that if the other half of the produce is to be defrayed for costs of cultivation, the cultivator would have to go away without anything. Of course the Raja of Bobbili appreciated the force of that statement. But as he was representing also his fraternity, he could hold out no further concessions, unless he had consultation with his brother zamindars. We, on the

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other hand, appreciated his difficulty and asked him to carry on further consideration with his brother zamindars and tell us what he was willing to do. Even with regard to the other points upon which there was agreement, the hon. the Raja of Bobbili undertook to get these points and the other points to the extent to which he and his brother zamindars were willing to go, incorporated in a draft Bill which would be placed before Mr. Ramadas Pantulu for scrutiny and examination. That draft Bill was to have been placed before another meeting of that conference and then further discussion was to have proceeded with. This was the only regular meeting of the conference that was held at which something at least took place.

2-45
p.m.

I understood subsequently that after the draft was prepared by an advocate of the hon. the Raja of Bobbili it was shown to Mr. Ramadas Pantulu nearly a month or more after the conference. I am not complaining of the delay. I realize that the advocate must have taken some time to study those important points and the hon. the Raja of Bobbili must have had time to carry on consultations with the zamindars as to what extent he could go. All these must conceivably take some time. But then when it was shown to Mr. Ramadas Pantulu, he disagreed with everything that was contained in the draft and at once published a statement in the papers that he was not in agreement with any of the points drafted by the advocate of the Raja of Bobbili. There was correspondence in the Press but the correspondence did not repudiate the fact of the statement made by Mr. Ramadas Pantulu that he did not agree with many of the proposals made in that draft. Subsequent to that, probably a week after, the Raja of Bobbili paid me the honour of calling on me and handing over to me a note prepared by his advocate and he also said that he was convening a meeting that evening at his residence. Of course the Raja of Bobbili felt that there was hardly any time for Members of the Council to study the question and add anything useful to the deliberations of the conference. But still I thought a preliminary discussion with the members as were present then at Madras in connexion with a Select Committee on some other Bill might clarify matters, and we were present at the hon. the Raja of Bobbili's residence. Suffice it to say that none of us had any time to go through the draft. The hon. the Raja of Bobbili also saw that there was not enough time, and then a suggestion was put forward that the conference might be held next Saturday when all members of the conference might be present including Mr. Ramadas Pantulu who was absent then, and arrive at some conclusion. The hon. the Raja to that suggestion was very silent. But I did not then know the full significance of that silence. I thought he was merely consulting his convenience with regard to the fixing of the date. But it now transpires that he then had no intention of calling any meeting for there was not either demand or call from the hon. the Raja to me on this matter. And I was so surprised to find one fine evening in the columns of the *Hindu* that there was a conference in the Raja of Bobbili's

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residence where representatives of landholders and tenants were present and it also added that all those who were present at the previous conference were present. As I was present at the previous conference, I could very well say that such a report was wrong. I thought, in fairness to the Raja of Bobbili, that after all the blame might easily be thrown on the freaks of the post office, and so I wanted to know whether that excuse was going to be trotted out. I am glad that excuse was not given. I subsequently found that not only I but several others, particularly representatives of the ryots, were not invited to be present, though the Kumararaja of Venkatagiri was there along with his Diwan, as though a single representation was not enough, but a double representation was necessary. (Interruption.) So, it ought to have been the duty of the persons concerned to have repudiated that report. Later on, when I found along with that news the anxiety of the Government to bring their own Bill, I thought there was something serious going on behind without our knowledge. I called on the hon. the Revenue Member and asked him what his intentions were in now introducing this Bill when he had originally withheld it. He gave me to understand that the draft that was handed over to him by the hon. the Raja of Bobbili represented the agreed points between the zamindars and the ryots. If the hon. the Revenue Member was misled into introducing this motion at this stage on account of that, it is only fair that he should be disillusioned now and that he should restore this Bill to the old state, shelving it in the archives of the Government.

"So far about the conference. Sir, in a state of affairs like this, ordinarily I should have appealed to you, as the President, as the custodian of the rights and privileges of this House, to see that statements are not made which having the semblance of truth and accuracy would in the result mislead the whole House into a particular action not intended in the ordinary straight course."

* The hon. the PRESIDENT:—"Does the hon. Member mean Press statements?"

* Mr. SAMI VENKATACHALAM CHETTI:—"No, Sir, but statements made on the floor of the House."

"Sir, I am inclined to think that with the Parliamentary experience that you have gained and your knowledge of the procedures adopted in other Provinces, especially in the Indian Legislative Assembly over which the most illustrious of Indian patriots, Mr. Patel whose death we mourned this morning, presided and in whose time rulings on matters of very great importance were given which would always stand as models and examples for other hon. Presidents to follow, you will correct this unusual procedure. Sir, on a memorable occasion, when the Government of India wanted to introduce their Finance Bill, when the House was vacant by the withdrawal of the Congress party members, the hon. Mr. Patel said: The House ceased to be representative; I object to any controversial measures being

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brought in. Sir, that ruling prevailed. Sir, we, who are here and have been denied the privileges that are accorded to us by the Government of India Act and the Standing Orders on account of certain unusual procedure, need your special protection in this matter. But for the somewhat unusual procedure adopted by the hon. the Raja of Bobbili, my Bill should have reached the second stage to-day, namely, the stage of introduction, in which case, the amendments which are not covered by the amendments of the Government Bill would have stood a chance of being considered by this House. That opportunity was denied to me, not by the straight course of voting against my Bill, but on account of a devious method, that has been adopted. Having regard to that, is it too much for me to ask you to come to my rescue and advise the Government not to proceed with a Bill of such a contentious nature after having lent their support to a course which was not usually allowed by this House? I do not want to place you, Sir, in a delicate position. I only mentioned it so that the Government might appreciate the delicacy in which the President himself would be placed in the matter and have the grace to consider very seriously the withdrawal of it. Sir, I am labouring so hard not because my Bill does not stand a chance of being considered. I only want that the more important matter, the grievances of the ryot, should have a chance of being considered along with this Bill. If these grievances are not considered there is no earthly use of proceeding with this Bill. Just merely to give an equal chance for the provisions that are contained in my Bill to be considered along with the Government Bill that I beg this hon. House to allow that my Bill may be taken into consideration along with the other Bill.

"Sir, I have exhausted, as far as possible, all the privileges that I can enjoy under the Standing Orders. I appealed to the Government to accord sanction to the previous publication of my Bill so that it may be ready for the stage of referring both Bills to one Select Committee, so that both may be considered together. It so happens that Bills of a more trivial nature, of a more transitory and transient importance are accorded the special privilege of the previous publication. But the more important ones are denied that privilege. Probably that is due to the unfortunate position in which I find myself of being in the Opposition. If I were a member of the Justice Party, probably the Government would have considered the desirability of giving the sanction of previous publication even though that Bill is of a fickle trivial nature. I want hon. Members to take these things into consideration. In the Government Bill there is no provision for the possibility of limitation of rent in the zamin areas; there is no provision for grazing facilities being given in order that the ryot may feel quite secure about them. There are no doubt certain amendments provided for them which have been handed over to the Government and from what transpires it would appear that the Government are willing to allow them to be discussed. The fact that they are

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willing to allow these amendments to be discussed shows the necessity of considering other amendments also. After all, it may be merely a matter of giving notice and at the proper time somebody else rising up from his seat and questioning the relevancy of those amendments to the sections under discussion. Without trying to express any opinion on the relevancy or otherwise of those amendments to the provisions of the Bill, it will not be surprising if on a stricter construction and somewhat unusual construction that might be placed on the Standing Orders, those amendments will get on the agenda paper automatically; in which case, and I dare say the zamindars would have taken particular good care to have that done too, the ryot would be deprived of a remedy for his grievances. If really the zamindars are anxious, as they appeared to be at one stage, to settle these differences as amicably as possible, here is an opportunity. Why should they be afraid of my amendments if they are only amendments relevant to the points raised by the Kumararaja of Venkatagiri in his amendments? The other amendments of which notice has been given are of such minor importance that they can be considered in open Council without bestowing great care and thought over them. But, would it be possible for the open Council to decide these questions of very great importance without referring them to a Select Committee. Have you ever legislated such important measures without referring them to Select Committees?

“ Why follow this unusual procedure? Is it because the zamindars are afraid of the consequences that will follow if this is referred to a Select Committee that they are asking for this procedure? I challenge them to refer this Bill to a Select Committee and take its decision on it. I hear somebody laughing. Yes, they may now laugh, but they must remember that the time for weeping is also coming nearer. If the zamindars lose this opportunity to come to a fair settlement with the ryots, probably a time will come when they would be compelled to do so. For that purpose it is not necessary that a Communist Government should come into power. It is not necessary that expropriatory legislation should be resorted to. Only let the Reforms, whatever they may mean, come and, if the then administrators see that the cost of the administration is high and that the revenue derived from land revenue is not enough, they would, even if the hon. the Raja of Bobbili is one of them, turn their eyes to the zamindari system. It is not necessary that there should be a Communist Government to do this and it is not necessary to have expropriatory legislation for that. Therefore I request hon. Members of this House to give us a fair chance to discuss this question. 3 p.m.

“ Now, Sir, as I stated in my opening remarks, the representatives of the ryotwari areas have a very serious responsibility on their shoulders. They have been persistently demanding Government for remission of revenue on the ground that the prices have fallen abnormally and ruinously. Every one of us sympathized with their demand and even the Government partially recognized it, but on

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account of prestige and on account of adherence to what they considered to be a rigid rule, did not grant remission but only suspension. But with that suspension the ryots are not satisfied. The representatives of the ryotwari areas are pouring in with petitions on the Members of Government to give remission instead of suspension, as suspension would in later years be all the more burdensome when they would have to pay either in instalments or in a lump sum. Now I ask, what justice is there, what consistency is there, when these same representatives who asked for remission on behalf of the ryots now coming and agreeing to fix the rents at the high rates laid down in the Bill? Will not the Revenue Member himself quote against you your own arguments? I tell my hon. Friends that, for the sake of party loyalty, they should not sacrifice their own cherished principles of a lifetime. If the party is going to ask every one of its members to commit suicide, will that be a proper and a legal mandate which should be obeyed? Such a mandate would be an illegal mandate and as such should unhesitatingly be broken. I beg, therefore, hon. Members of the Justice Party to set at naught that mandate even in their own self-interest. Now, Sir, the Justice Party is said to be a democratic party though it has now the peculiar fortune of being presided over by an aristocrat. That reason ought not to be quite sufficient for all the democratic representatives of the people in it to be dragooned and jockeyed into a situation merely to buttress the position of the zamindars as against the tenants. The tenants have got a right to expect your support, party or no party. It is not on behalf of my party that I am now making this motion. My own interests in the problem are also practically nothing. Yet, justice requires that the tenants' cause should be supported and protected in this House. But, I have no illusion about the result of my motion. I know that the numbers are very strong against me and I see that the Solar system of the Government has been further reinforced by more than four or five, some by defection, one by resurrection and one by creation, creation being the nomination of Mr. Gopala-swami Ayyangar. Sir, these have come in. The Government thought that their forces must be reinforced. To stifle this motion they strengthened their ranks. Now, Sir, the hon. the Raja of Bobbili reminds me of elections. Yes, his paper also said the same thing the other day. I quite agree that we should remember the elections. The suggestion conveyed by him is that it is for the purpose of election that we are doing all these things. What does that mean? That means that I am making a motion which is acceptable to the electorate as against the one moved by them. So, they are here to-day doing something contrary to the wishes of the electorate which sent them and I am here doing something which is agreeable to the electorate. Now, I think the purpose of election cannot better be served than by the step the Government are now taking. What is the situation now? You are going to carry this Bill whether we allow it or not. By all means do so. That means that with your big stick you are blocking the redressal of the

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legitimate and reasonable grievances of the ryots. You only want to obey the commands of the Government and rectify a few minor defects here and there and further support the zamindars against the ryots. Is not that cry quite enough to suppress a party like yours? I do not know if anything more is required. Therefore, even from the point of view of the elections, it is very desirable that you must consult your own safety and not help in passing a measure of this kind. I assure you it is not our intention to have a claim for this Bill for any one of our party. I deny any such intention in our party. I am willing that the provisions of my Bill might be put in the melting pot along with the amendments of the Kumararaja of Venkatagiri. They will then be Sir Archibald Campbell's Bill and neither mine nor the Kumararaja's. Therefore there is no point in saying that my party wants to claim this Bill as its own. I am willing to surrender my rights as the Mover of the Bill to Sir Archibald Campbell if he will only consent to consider these amendments.

"Sir, while reading the several clauses in the Bill as introduced by Sir Campbell, my hon. Friend, Mr. Basheer Ahmed, asked me, what I had to say about the Bill which emerged from the Select Committee. Well, in answer to him I have only to repeat what my hon. Friend, the Leader of the Opposition, Dr. Subbarayan, a zamindar, has stated in regard to the net results of this Bill.

'Having sat long hours at the Select Committee considering this Bill, I am sorry I have become more and more impressed with the absence of any overwhelming necessity for it.'

"This is what a zamindar says:—

'So far as I can see, the present Bill, in spite of its 120 odd clauses, does not deal with any matter on which either the zamindars or the ryots were keen on obtaining an alteration of the law.'

"So it is wanted neither by the ryots nor by the zamindars.

'It does not affect the essential relations between the landholders and the ryots and is not likely to satisfy either.

'As a lawyer I cannot reconcile myself to dealing with lankas without reference to any of the accepted principles of the law of accretions. The provisions in the Bill regarding lankas will do no good to the ryots as, after the passing of this Act, no landholder will allow any tenant to remain in possession of a lanka for more than twelve years.'

"Sir, I am very much thankful to Dr. Subbarayan for foreseeing the danger into which the ryot is driven by the amendments that have been made by the Select Committee. The zamindar that he is, says:—

'It has only the effect of expropriating the landholder where out of sentiment or kindness he has already allowed a ryot to remain in possession of a lanka for over twelve years.

The Bill has introduced far-reaching changes in the chapter on Irrigation.'

"Here the zamindar gets the better of him:

'But I am afraid that most of the provisions will remain a dead letter. I would therefore not have objected to them had it not been for the fact that at the fag-end of the sittings of the Committee, an amendment was introduced

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to the effect that if in accordance with the orders passed under this chapter, repairs are not carried out, the Collector may order a temporary reduction of rent until they are carried out.'

"At this he thought his pocket was pinched, and so he stated:—

'This provision for the temporary reduction of rent for non-execution of repairs introduces a novel principle into the Estates Land Act, viz., that of temporary remissions or variations of rent during what may be described as a period of settlement.'

"Sir, in the penultimate paragraph of his note of dissent he further says:—

'One would have thought that a Bill to amend the Estates Land Act would have taken into account the grievances of the zamindar in this respect and would have smoothened his path in realizing his arrears. Far from doing so, the Bill has only increased the obstacles.'

"I say with him that the zamindar's path should be much more smoothened by a reconsideration of the whole thing. I only want exactly what he wants.

"Sir, I was tempted to have a cursory glance at the discussion which took place here in connexion with the Malabar Tenancy Legislation. I want to remind hon. Members coming from the West Coast to recall to their minds the various grievances which they put forth on behalf of the cultivator and the kanomdar and the privileges which they secured for them after a strenuous fight supported by the hon. the Law Member who was then on the non-official benches. Having secured those rights for their cultivators and kanomdars, it is only fair that they should not vote against the conferment of such privileges on their confreres in other areas. Otherwise, it would amount to a selfish act and will not be worthy of emulation by anybody.

"Sir, in this connexion I am reminded of the plea put up by my hon. Friend, Mr. Langley, on behalf of the agriculturists and cultivators when the demand for the remission of land revenue for the ryotwari tenants was before the Council. Sir, that speech cannot easily be surpassed in eloquence, in the richness of the material and the strength of the arguments advanced. On this occasion I want Mr. Langley to recall to his mind and not only that, to recall to the minds of his other colleagues sitting with him, that speech of his and plead on behalf of the zamin ryots who are undoubtedly and admittedly five times worse off than the ryotwari ryots.

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p.m.

"If he does not do so, I should only think that the speech he made was merely for the purpose of stage management. I am obliged to question the logic and consistency of his arguments. I beg of him to put his influential support and sympathy on the zamindari ryot. While saying all these things I am not unaware of the fact that the Government are really in the know of all these things. I quite realize that the lot of the ryots in the zamin area is awful, is very much worse and they have also the support of the evidence of the Banking Enquiry Committee who state that the value of lands in a zamin area is very considerably less than the value of lands in other areas. But the Government are not

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willing to do anything for the ryots for the reason they seem to think that their Government can only be carried on by the support of these zamindars. It is a wrong notion. People will be coming in by heaps and heaps to support the Government in all their acts intended to benefit the people. That the zamindars alone should be considered essential for the purpose of running the Government is more than what I can say. I want the Government to forget this. They must forget that it rests merely on the influence and support of the zamindars. It is going on for other reasons and it will still go on more efficiently and more benevolently, the more they are amenable and responsive to the legitimate demands of the people.

"I therefore move that this Bill be adjourned till such time as the Bill of which I have given notice also reaches the same stage as this Bill."

* Mr. T. C. SRINIVASA AYYANGAR:—"I desire to second the motion moved by my hon. Friend, Mr. Sami Venkatachalam Chettiar. On this occasion I do not desire to go into the merits of the controversy or the rights and the obligations that subsist between the landlords and the ryots—a subject which beset with difficulties and a proper solution of which is the desired object of the legislation undertaken by the Government. If the Bill had stood at that stage and for the principles on which it was introduced originally, viz., to remove the difficulties which were found in the working of it, one would naturally think whether a comprehensive Bill in the interests of the landlord or in the interests of the ryot or in the joint interests of both dealing with the rights and obligations of both cannot be more appropriately reserved to be introduced on a future occasion. The Select Committee has introduced certain provisions in the Bill which affect the rights in many respects and the innumerable amendments which have been given notice of, said to be, on agreement, on certain matters, between the leaders of the ryots and those of the zamindars, introduce further complications touching the rights and obligations of both. In these circumstances what is the meaning of proceeding with a Bill in which only a few of the points of the ryots are sought to be embodied and many would be left out? A motion was made on the last occasion by my hon. Friend, Mr. Sami Venkatachalam Chettiar, to introduce a Bill in which the ryot's aspect of the matter was put in largely. That motion remains undisposed of. I desire only to point out one aspect of the matter and that is the legislative propriety which may properly be viewed by all the hon. Members apart from the controversy relating to the merits of the Bill. Supposing the House gives leave to Mr. Sami Venkatachalam Chettiar to introduce his Bill by the time this Bill would be referred to a Select Committee or it comes before the open Council with the Report of the Select Committee, the Government Bill would have become law. And when the Bill of my hon. Friend, Mr. Sami Venkatachalam Chettiar, is taken up for discussion, many provisions of the Bill which touch those clauses in the Government Bill, cannot be discussed during the

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lifetime of this Council and they will be shut out of discussion. There will be other provisions of the Bill which will be nugatory whose consideration, though technically allowable will lead to no harmonious results. Admittedly, after the presentation of the Select Committee's report an adjournment of the consideration of the Select Committee's report took place time after time, with a view to afford facilities for a settlement of the difficulties between the landlord and the tenant. Now to suddenly press for the consideration of the Government Bill leaving out the possibility of the consideration of the other Bill would, I submit, lead to very undesirable consequences. If the Government Bill becomes law, the Standing Orders will stand in the way of many of the provisions of the non-official Bill being considered. The situation is peculiar and in the circumstances the consideration of the Select Committee's report would only tend to create a huge amount of discontent in the minds of the ryots. I do not know whether it would be in the interests of the landlords or the ryots to proceed with such a measure. I think prudence, legislative propriety, and also the desirability of settling the vexed question between the landlord and the tenants—all demand that the consideration of the Bill be postponed till such time as would enable Mr. Sami Venkatachalam Chettiyar's Bill to be introduced and the Select Committee to report on that Bill."

"I second the motion for adjournment."

* The hon. the PRESIDENT:—"Both the main motion as well as the amendments that the consideration of the Government Bill be postponed are for discussion of the House."

Mr. P. C. MUTHU CHETTIYAR:—"கனவான்களே இப்போது இந்த எஸ் டேட்லாண்டு ஆக்டில் சில விஷயங்களை மருபடியும் திருத்தி அமைக்க ஓர் மசோதா இச்சட்டசபையின் முன்பாக வந்திருப்பதைப்பற்றி எனது சில அபிப்பிராயங்களை தெரிவிக்கின்றேன்.

இம்மசோதாவை பின்பு ஆலோசிக்கவேண்டுமென்று அடியில் கண்ட காரணங்களுக்காக தள்ளிவைக்கவேண்டுமாய் விரும்புகிறேன்.

ஒருதரப்பார் ஜமின்தார்களை பங்கம் செய்யவேண்டுமென்று கருதி விவகரிக் கிரார்கள்.

மற்றொரு தரப்பார் அக்கருத்தை ஆகேஷித்து சிலர் பேசுவதையும் ரயத்து களுக்கு விரோதமாக பேசுவதுபோல அதையும் மறுத்துரைக்கிறார்கள்.

ஆனால் இவ்விருதரப்பும் செய்யும் விவாதம் பலனாக தெரியவில்லை.

வாஸ்தவத்தில் லாண்ட்லார் ரயத்து இருவர்களுடைய கேஷமும் ரொம்ப முக்கியமாய் கருதப்படவேண்டிய விஷயம் என்பது ராஜாங்கத்தார் உணரவேண்டிய பொருப்பு.

ஆனரபில் ரெவினியூ மெம்பர் இந்த சமயம் இந்த ஹவுசில் இம்மசோதா வில் பூர்ண அனுபவத்தை உபயோகிக்கத்தக்கவர்கள் அதிகம் இல்லை என்பதை தீர்மானிக்கவேண்டும்.

இத்திருத்தமசோதா இவ்வருஷம் பிப்ரவரி மாசத்தில் சபைக்கு விவாதத் திற்கு வந்தபோது, பின்னால் யோசிக்கவேண்டியதாக நிருத்திவைத்திருந்தபடியால் இந்த சமயமும் வந்தாலும் ஆலோசனைக்கு வராது என்று எண்ணிய ஜனங்கள் அனைவர்களும் அப்படியிருக்க திடீரென ஆலோசனைக்கு எடுக்கப்பட்டது.

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இந்த எஸ்டேட் லாண்டு சட்டம் 1908-ம் ஆண்டு வந்த நான் முதல் சிரமங்கள் உண்டாகி 1909-ம் ஆண்டு திருத்தங்களை மருபடி செய்தும் அதில் அனேக விஷயம் சரிவரவில்லை. 1908-ம் ஆண்டு சட்ட தீர்மானங்களையும் அதின் சூக்ஷ்மார்த்தங்களையும் நன்றாய் அறிந்த அதிகாரிகள் சிலர்தான். ரெவின்யூ இலாகா மாத்திரமல்ல, நீதி இலாகாவிலும் கூட சில சப்-ஜூடீஸ்கள் தான் நன்றாய் தெரிந்தவர்கள்.

இச்சபைக்கு இம்மசோதாவின் விவகார அனுபவம் சரியாய் அறிந்ததாக இல்லையென்று கறராய் சொல்லவேண்டியிருக்கிறது.

வாஸ்தவத்தில் ஜமீந்தார்களுக்கோ இனாம்தார்களுக்கோ குடிசைகளுக்கோ, நஷ்டத்தை உண்டாக்குகிற விஷயம் என்மனதிற்கும் சரியை யாவாக்கும் திருப்தியைத் தராது.

1865-ம் ஆண்டு 8-வது ஆக்டு திருத்த முயன்று 43 ஆண்டுகளுக்குப் பிறகு உண்டானது. 1908-ம் ஆண்டு 1-வது ஆக்டு உண்டான முதல் சதா விவகாரம் அதிகரித்து கஷ்டத்தையும் நஷ்டத்தையும் உண்டாக்கிவிட்டது.

லாண்டுலார்டும் டென்னென்டும் ஒரே ஒற்றுமையாய் இருப்பதுதான் அவ்விருவர்களின் சேஷமமாகும். அந்த அன்னியோன்னியத்தை கெடுக்க நினைக்கப்படாது. அந்த வித அனுபவங்களை சொல்பவர்கள் செலக்ர கம்மிட்டியில் சிலர்களு்தான் இருந்தார்கள் என்று என் அபிப்பிராயம்.

இந்த விஷயத்தில் தெலுங்கு தேசத்தில் சில சம்பிரதாயங்களிருக்கின்றன. அது மாதிரியே தமிழ் தேசத்திலும் மலையாள தேசத்திலும் சில வழக்கங்களிலிருந்து வருகின்றன.

ஆகையால் இந்தச் சட்டத்தை சென்னை ராஜதானி பூராவும் அமுலுக்கு கொண்டுவருவது பொருந்தாத காரியம்.

அன்னியில் ஒவ்வொரு எஸ்டேட்டிலும் நில உரிமை டென்னியூர் பாத்தியங்கள் பலவேராக இருக்கும்.

ஹோல் இனாம்தார் சம்பந்தங்கள் அவர்களின் உரிமைகளையும் இந்த மசோதாவில் கலந்து யோசிப்பது பிசகு.

இனாம்தார்கள் உரிமைகள் வெகுநாளைக்கு முந்தி கர்னாடக ராஜாக்களால் தகுந்த காரணங்களுக்காக கொடுத்துள்ளவை. அவ்வினாம்தார்களின் அனுதாபத்தை சொல்வதற்கு அவர்களின் பிரதிநிதி இச்சபையில் யேற்படவில்லை. செலக்ர கம்மிட்டியாரும் இதை எடுக்கப்படாது விட்டிருக்கிறார்கள்.

திடீரென அவர்கள் பாத்தியத்தைப் பரிமுதல் செய்வது தர்மமாகாது இச்சபைக்கும் நியாயமாகாது.

லாண்டுலார்டு முறையாலும் சரியே அதைப்பார்க்கிலும் ரையட் முறைமையாலும் சரியே எனக்கு யாதொரு வித்தியாச அபிப்பிராயமில்லை.

பொது நன்மையையே உத்தேசித்து எனது அபிப்பிராயம் தெரிவிக்கிறேன்.

ஆகையால் இவ்விஷயத்தில் கற்றுணர்ந்தவர்களும் விசாலமான மனதைப் பெருந்தியவர்களான நான்கு பேர்களுடன் மற்ற சம்பந்தமுள்ள மெம்பர்களையும் சேர்த்து ஓர் கமிட்டியாக நியமித்து ஆனரபில் லா மெம்பரவர்கள் உதவியால் ஒரு ஒரு ஜில்லாவில் 1908-ம் ஆண்டுத்திலிருந்து ஏற்பட்டுள்ள விவகாரங்களையும் அதின் முடிவுகளுடன் விஸ்டு தாயரித்து அக்கம்மிட்டி நகர பிரதக்ஷிணமாக ஒரு ஒரு ஜில்லாவாகப் போய் எவிடன்சு இருதரப்பாரையும் வாங்கி ஒவ்வொரு ஜில்லாவின் நிலவரங்களை ஒழுங்கு செய்து ஒவ்வொரு செக்ஷனிற்கும் சில ஜில்லாக்களின் மாதிரியை ஒதுக்கி சொல்லவேண்டியிருந்தால் அப்படி ஒதுக்கி சொல்லி கம்மிட்டியாரின் யாதாஸ்தை மசோதாவாக தயாரித்து இச்சபைக்கு வருடமையாண்டு. அது இச்சபை ஆலோசனைக்கு ரொம்ப நியாயமாகும். பின்பு எவ்வித விவகாரமும் ஏற்படாது. அது எல்லோருக்கும் சேஷமத்தையே தரும்."

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* Diwan Bahadur B. MUNISWAMI NAYUDU :—“ Sir, I rise to support the motion to defer the consideration of the Bill in the form in which my hon. Friend, Mr. Sami Venkatachalam Chetti, has moved it. The House will remember, Sir, that the Government Bill was introduced in January 1932, that on the first consideration of that Bill there was loud protest from various sections of the House that the Bill was not sufficiently comprehensive, that in the form in which it was introduced it did not go really to remedy the grievances under which the ryots were suffering and that the Government should therefore introduce a more comprehensive Bill. I then partook in the debate and said that the Bill as introduced by the Government was one intended to remedy certain technical difficulties, that it was not intended to radically alter the relationship between the landlord and the tenant and that the tenants' representatives, if they liked could have a more comprehensive Bill introduced in the Council which then was expected to come into existence after fresh elections are held. The Bill was formally referred to a Select Committee. At the same time, the tenants had their own Bill drafted and they introduced it in this House and leave was given to Mr. Satyanarayana Choudari to introduce the Bill. He would have in due course moved the Bill to be referred to a Select Committee in July last, but for the fact that having been appointed Public Prosecutor he had to resign his membership of the Council. The result was that the whole procedure in regard to this private Bill had to be gone through again by my Friend, Mr. Sami Venkatachalam Chetti, who got an opportunity to have the Bill tabled in his name. In January again, when the hon. the Revenue Member wanted to introduce this Bill, the Select Committee Bill, there were pourparlers as to what should be the attitude of the various parties. One section thought that neither of these Bills should come up during the lifetime of this Council, that both of them should be given up and that the new Council should take up any Bill that it thought fit. It was then thought that the life of the Council would soon come to an end and that fresh elections would be held in the course of this year. But now it transpires that the Council's life is not to be so short as was expected. His Excellency has already announced the extension of the Council for a year and what, by the end of the year would intervene, we do not know. But all things point to the probability that the Council might be extended for a further period of one year. In these circumstances, it has become necessary in the interests both of the landlords and of the tenants that something should be done not to postpone the consideration of the serious questions agitating both of them. I really take it that the hon. the Revenue Member in trying to push through this Bill is actuated by a motive of this sort, that is to say, to see that some legislation is undertaken in the lifetime of this Council itself. At the same time, I fail really to understand the attitude of the Government with regard to the non-official Bill. I can quite understand the move of the hon. the Chief Minister, the Raja of Bobbili, at the time when the non-official Bill was moved last time for leave being given to it. As representing the

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landlords he should not be and he was not anxious that leave should be given. Whether ultimately he will see to it being rejected, it is a matter that will be left to him later on and to his party. Anyhow, he then proposed that the differences between the two sections should as far as possible be adjusted and that he was going to take steps to bring about a better understanding between the two parties. He convened a conference. Some of us attended the conference. There was a spirit of give and take; there was some talk about the lines on which legislation should proceed. A draft was proposed to be made by three representatives and after the draft was made, the question as to how far there could be agreement on the many points that arose should be considered. I do not want to enter into the controversy of what any member said or what any member did not say, but it is clear that somehow there has not been an agreement reached so far, that the draft which the Raja of Bobbili prepared has evidently been put into the hands of the hon. the Revenue Member as representing some of the amendments which might with advantage be embodied in his Bill as settling to a certain extent the differences between the two classes. And, we find, Sir, that amendments have been tabled by the Ministerial Party. About seven or eight of them have given joint amendments. The Kumara Raja of Venkatagiri is supported by a representative of the depressed classes, Mr. Jagannatham, and is supported also by a representative of labour, Mr. Basu Dev. (An hon. Member: Labour?) Yes, labour. I do not know what else he represents. Well, Sir, it looks to me evidently that the hon. the Chief Minister has along with these representatives of labour and the depressed classes formed a perfect happy family, and that the millennium has come where the zamindars, the depressed classes and labour can sail together and a common set of amendments can be given. I know, Sir, on a memorable occasion, the hon. the Raja of Bobbili twitted those people who called themselves the representatives of the ryots and said that they were not real representatives. I am glad to congratulate him now, Sir, on the fact that he represents in himself the zamindar, the ryot, the depressed classes, the labourer and the tenant and that his party is a happy family consisting of all these groups working together harmoniously. It is probably that millennium that has prompted him to induce the hon. the Revenue Member to take this opportunity of introducing this Bill and pushing on with it.

“ Sir, on the last occasion when my hon. Friend, Mr. Sami Venkatachalam Chetti, asked for leave to introduce his Bill, in reply to the appeal made by the Raja of Bobbili that these things should be settled, I rose up and said that we on our side were willing to give unstinted co-operation. We have kept up to that. At the same time, I said that, if really a compromise was to be reached, it would be more fitting and desirable, if the necessary steps to that end were taken by the Government, that is, the hon. the Revenue Member, by calling the representatives of both the parties to meet together. Sir, I threw out that suggestion then and in spite of that suggestion, when the hon. the Raja of Bobbili called us to meet him, we thought that something

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could come out of it and we did go there. As everybody knows, we could not come to an agreement and there was not sufficient time for further discussion. Under the circumstances, I thought that the hon. the Revenue Member would have taken the hint and while he took over the amendments handed over by the Raja of Bobbili, he would have had the courtesy to take the other members of the conference into his confidence and discussed with them those amendments and asked them: 'Are you agreeable to these amendments or what other amendments have you got to suggest?' On the other hand, what do we find? We found in the papers a week back that the Government had decided to introduce the Bill. The next day came the news that amendments were put into the hands of the hon. the Revenue Member by the hon. the Chief Minister, amendments which purported to be amendments which had been agreed to between the parties concerned. On the third day we had the revelation that in the Secretariat there was consultation as to which of the amendments should be accepted and which of the amendments should not be accepted. The result of it is, we find, that we have several amendments tabled by the Ministerial Party. They have been tabled by a number of Members representing various interests and it looks as if the whole ryot population will be satisfied with these amendments.

"Well, Sir, we, standing here, have to see what we consider to be the interests of the ryots and what the ryots will be satisfied with. The hon. the Raja of Bobbili might have his own ideas of what will satisfy the ryots. We take it, Sir, that when he thought it best to give us some kind of representation by being called to his conference, that our views may be taken up now if not by him at least by the hon. the Revenue Member. Sir, so far as this Bill is concerned, as I said, the very Bill was not acceptable to the ryots even in its first reading. That it is not acceptable to them to-day is increasingly becoming evident by various meetings held elsewhere throughout the country. Only to-day, Mr. Patnaik Mahasayo has received a telegram from a Ryots' Association in Ganjam objecting to the continuance of the Bill. If you take the side of the landlords, the minute of dissent, or the minute of my hon. Friend, Dr. Subbarayan, which has been read to this House, will show that, so far as the zamindars are concerned, that is to say, to the extent to which my hon. Friend, Dr. Subbarayan, can speak on behalf of the zamindars, the Bill is not acceptable to them. I ask, therefore, the hon. the Revenue Member: in whose interest are you proceeding with this Bill and trying to push it forward? If it is in the interests of the ryots, who are the ryots whom you take as their representatives? If the hon. the Revenue Member feels satisfied that the hon. the Raja of Bobbili represents also the ryots so far as the zamindari areas are concerned, I wish him god-speed and let him push forward this Bill. But, if he feels that there are ryots also whom the hon. the Raja of Bobbili cannot represent, I think, Sir, it is the bounden duty of the Government, if they want to hold the scales evenly between the parties, to defer the further consideration of this Bill.

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“What is it that the ryots or their representatives want? We do not want that the Bill should be perpetually postponed. We feel and clearly feel that the time has come for some kind of legislation to be taken into consideration. All that we say is, in view of the fact that the lifetime of the Council is extended much beyond what we expected, that there is time to enable a legislation to be undertaken to the satisfaction of both parties. We come forward with a concrete proposal on behalf of the tenants; here is a Bill which we propose to introduce. We ask a fair chance to discuss that Bill. It was said that the landlords were preparing a Bill of their own to put forward their views. Well, Sir, whatever may be the difficulties encountered with regard to the introduction of a private Bill, I am sure that no such difficulty can ever be felt by the hon. the Raja of Bobbili or a Member of his party to introduce a Bill. It was only yesterday that we found that previous sanction has been given for a Bill for the purpose of improving the Impartible Estates Act; leave has been given for the introduction of the Bill and prior publication has been ordered; it is ripe even now to be passed into law without being referred to a Select Committee. My hon. Friend, Mr. Bhanoji Rao, has got the distinction to introduce that Bill. So, there will be any number of opportunities to introduce a Bill on behalf of the landholders, by the Party in Power, incorporating what they consider to be their minimum demands or to what extent they can go. Such a Bill has every chance of being referred to a Select Committee much earlier than the Bill given notice of by Mr. Venkatachalam Chetti. If the Bill of Mr. Venkatachalam Chetti is referred to a Select Committee and if the Select Committee should dispassionately consider all the various aspects, then it will be possible for the representatives of the tenants to say that they tried their best to put forward the case of the tenants, and that the Council has tried its best to the Bill being referred to a Select Committee and its provisions being considered in all their aspects and that they might take their chances. What is it you propose to do? Last time when leave was asked by my hon. Friend, Mr. Sami Venkatachalam Chetti to introduce his Bill, it was stifled by a motion for adjournment. Two months elapsed to call a conference; something took place at that conference and some amendments have been put forward as agreed amendments. No days have been allotted for the transaction of non-official business during this session, because the question of giving leave to the introduction of the Bill of Mr. Sami Venkatachalam Chetti would arise. Evidently the Government anticipated what was going to happen. They want that the Bill before the House should first be passed; then they want to say that leave should not be given to Mr. Venkatachalam Chetti's Bill for introduction on the ground that a Bill had already been passed. I ask 'is that fairness to the people?' Is that fairness to this House at least? You have got Members and party strength; by all means carry the Bill forward. That is a more straightforward course than trying to forestall by putting forward this Bill and then probably coming forward

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with the objection that a Bill has already been passed and that Mr. Venkatachalam Chetti's Bill need not be proceeded with. That is the very sore point. After all, the world is looking at our proceedings. It may be that the hon. the Revenue Member and the hon. the Raja of Bobbili with their party strength will get through the Bill in any form they like. I have no doubt about that. I shall congratulate the hon. the Raja of Bobbili if he goes forward and tells the country that he is as good a representative of the ryots as Muniswami Nayudu can be; 'here is my production; it is intended for the benefit of the ryots.' The Bill now before the House may go through the Council. The hon. the Raja of Bobbili can go to the country and his party can go to the country and say these are the things to which we are agreeable; we are as much your representatives as any others can be. That is a course which I leave entirely to them.

"But speaking on behalf of the ryots, the minimum that we say is that Mr. Venkatachalam Chetti is ready with his motion; you are averse to give a chance to his Bill going forward. If the lifetime of the Council is not sufficient to allow a Bill to pass through—suppose it lapses because the Council is dissolved—the Government Bill goes and the private Bill goes. If there is sufficient time for a private Bill to emerge from the Select Committee, the two Bills can go forward side by side. To dash through the Government Bill at this stage is not desirable either in the interests of the tenants or of landlords. Some of the provisions of Mr. Venkatachalam Chetti's Bill which are necessary and which are harmless may be incorporated in the Government Bill. It is not wisdom to throw away all the provisions of that Bill.

"I presided over a Conference of zamin ryots some days ago and I tried to persuade them to pass a resolution that the Government Bill may go forward if the lifetime of the Council is extended. I am not against that Bill being considered if there is sufficient time. I, for one, would implore and request the Government to take into consideration the feelings of the ryots also and to give a chance to have the other Bill also considered and to the Bill to emerge from the Select Committee—a convention established in this House. In that case the Bill will have the support of a fair proportion or even a majority of Members of this House. We may disagree with some of the points; but the best way of considering any Bill is to allow it to go through a Select Committee. I have had it to my experience; we have had it to our experience. It will be difficult for a Council like this to come to a compromise on any important point in the open Council. Compromises can be arrived at easily at the Select Committee stage. The zamindars may feel that some of the provisions of Mr. Venkatachalam Chetti's Bill may not be acceptable to them. In the Select Committee I am sure there will be representatives of their interests also. The provisions which are agreeable may be accepted and the others may be rejected. But the proper method is not to try to stifle the other Bill. If the

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Government rise up and say 'we should go forward with our Bill', they may do so. The hon. the Chief Minister said when he moved the adjournment motion last time, that they were not opposed to private Bills going forward. Even to-day there is no indication whether they would allow the private Bill to go forward. They have flung the Select Committee report on the Government Bill. These circumstances clearly go to show that the provisions of the private Bill are not acceptable to the landholders. The Government and the Ministerial Party have come to some kind of arrangement among themselves; the Government perhaps propose to incorporate the amendments which are in favour of the landlords. That is a matter which I do not want to anticipate. All that this motion says is 'do not adjourn the Bill indefinitely; adjourn it so as to give a chance to the other Bill also being considered; if the lifetime of this Council is sufficient, let the other Bill also have the opportunity of being reported on by a Select Committee; both the Bills may be taken up together; whatever provisions of Mr. Venkatachalam Chetti's Bill are agreeable, they may be embodied in the Government Bill. This is the minimum of our demands. I do not want to say anything more than this.

"We are passing through very serious times; there is keen economic distress. Mr. Venkatachalam Chetti appealed to the ryots of Tanjore and Trichinopoly. I would appeal to the whole country. Ryots are ryots everywhere, whether in the Government area or in the zamin area. They are feeling the pinch of it very much. It is not advisable to go forward with a Bill which satisfies neither party. Of course the Government may say 'we are creating some business rather than having no business; this business is not liked by any section of the people at all. I leave it to the good sense of the hon. the Revenue Member. So long as Diarchy continues, so long as the Reserved Departments are in the hands of the Government, I expect him to be impartial in this matter and hold the scales even between the landlord and the tenant. I do not want him that he should give an impression—I do not charge him with being a party to it—to the people that he is carrying out the behests of the landlords and nothing else. That will be the effect of rushing through the Government Bill at this stage.

"With these remarks I support my hon. Friend's motion."

* Mr. K. R. VENKATARAMA AYYAR:—"Sir, I was a Member of the Select Committee which considered the Government Bill. In regard to the work of the Select Committee, the hon. the Mover of the Bill said on 30th January last that he was struck by the accommodating spirit which the Leaders of both parties exhibited in dealing with the Bill. At the same time when he presented the report of the Select Committee to this House, he gave it as the reason for not making further progress with the Bill, that the best interests of both parties lay in their mutual co-operation and goodwill. In the

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interests of such mutual co-operation and goodwill, he made an appeal to both sides and to all parties in this House. He wound up by saying that representations had been made to him that there was a general desire to postpone the discussion of the measure. Putting it in those significant terms, he said that he would ask the House for leave not to proceed with the motion which stood in his name, to take the Bill into consideration. I submit, Sir, that that was a fair indication that, as Government was then advised, it attached considerable importance to co-operation on the part of the zamindars as well as on the part of representatives of ryots; and the postponement of the measure was to be only for such time as would be necessary for all parties in this House to feel that the occasion was ripe for going ahead with the Bill again. What has happened since 30th January last for this House to be suddenly surprised by just a week's notice, that the Government will proceed with what it had dropped on the 30th January? Have all the parties in this House been taken into their confidence by the Government in any real sense so as to enable the Government to feel and say that after so taking them into their confidence, they now feel as the general wish of all parties concerned that the Government should now proceed with the Bill? Nothing like that. From what has been already made clear by the speeches delivered to-day on the floor of this House, all that appears is that the hon. the Raja Sahib of Bobbili—whether as representing the landlords alone or as representing in his own way both the landlords and the zamindari ryots—gave it as an impression to the Government Member in charge of the Bill that the occasion had become ripe for the Government to go forward, there being a radical change since 30th January last. I think I would be underrating the hon. the Revenue Member's shrewdness if it can be said of him that he could easily assume that the hon. the Raja of Bobbili is really representing all parties in the House. It is absolutely clear that the Leader of the Opposition and various other Leaders in this House who can undoubtedly rank as prominent leaders and representatives of the ryots' interests, were not consulted before the Government made up its mind whether the postponement which was agreed to because all parties desired postponement, can now be given up in the sense that all parties desire that the Bill should be proceeded with. Well, it is clear that none on this side of the House has been taken into the confidence of the Government and the Government has felt free to proceed with the Bill because the Government feels that it can command enough support to make sure of the passage of this Bill. That might be so, but it seems to be going back upon the ground on which the postponement was moved by the hon. the Revenue Member in January last. If he thought that so much consideration was due to the leaders of the ryots and to the Opposition Leaders in January last that he should take their wishes also into consideration in announcing the postponement, how does it happen now that the wishes of the Leaders on this side are discounted altogether in revising that

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decision of the Government to postpone consideration and to announce almost in an ex parte fashion the revised decision to proceed with the Bill?

“ Now this Council has been extended for one year. The chances ^{4 p.m.} appear to be that this extension will be further prolonged and the elections are likely to come on not on this side of two years. If so, any delay that might be involved in taking on hand a Tenants' Bill would not be so great as to block the passage of the Government Bill. After all, the Government Bill is not a measure which goes any length either in favour of the ryots or in favour of the zamindars. As the hon. the Revenue Member has himself explained more than once, that is a Bill that is intended merely to get rid of certain procedural difficulties which have been experienced in the working of the Act of 1908. It leaves untouched the substantive rights of the ryots on the one hand and the rights and powers of the zamindars on the other hand. That being so, no great importance would attach to the Government measure on its merits and no great disadvantage could be pleaded by a mere postponement of such a measure introduced by the Government. The more important thing to achieve is really a measure that will put on a stable and equitable basis, for some appreciable length of time, the rights of the zamindars and of the ryots. If two years' time, as anybody must concede, would be more than ample for going from start to finish into rival measures of legislation or a comprehensive measure of legislation affecting the position of both the parties, there is really no justification for preventing the chances of a Tenants' Bill going ahead along with the Government measure. The bitterness of the situation appears to be accentuated when under colour of merely getting rid of difficulties experienced in the administration of the Act, amendments are tabled in the interests of zamindars which, if allowed to be in order and passed, would really work injury to the interests of the ryots. Obviously, if one-sided amendments of that kind should be held to be in order, then the position would be like this: for technical reasons, substantive clauses or amendments in regard to tenants' rights might fall to be ruled out, while amendments for the benefit of the landlords might come to be passed in a partial fashion. The net result would be that the legislation as it emerges from this House on the present occasion would be an incomplete piece of legislation which would not only get rid of administrative difficulties but would probably also make room for some incomplete provisions which would tend one-sidedly in favour of one side as against the other. Altogether, the result is not likely to be satisfactory—such as might be possible if this Bill were to be proceeded with on the present occasion, with one-sided amendments alone falling to be considered. I think, Sir, that enough has been said to-day on the floor of this House to induce the hon. the Mover of the Bill to revise his mind and to re-assume the position with which he wound up on the 30th of January last. The pose that he then adopted was one of equal consideration to the Leaders on both

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sides, of equal consideration to all sides and parties in this House. At the present juncture, his action almost betrays him as if he has revised that pose and taken sides with one party as against the other. Now to give rise to such an impression is by no means the wisest thing on the part of the Government to do. I therefore would add my appeal along with that already made by others on the floor of the House to-day to the hon. the Mover of the Bill, that he had better revise his mind and whether he allows as much time as is asked for in Mr. Arasu's amendment or as much time as might be involved in Mr. Sami Venkatachalam Chettiyar's amendment or not. I ask that at least this might be done: that the consideration of the Bill be not proceeded with now, that it be definitely postponed to a stated day not earlier than January. I am not moving a further amendment, but I am only making a suggestion in supporting Mr. Sami Venkatachalam's amendment—at least that he might agree to its consideration being postponed till January, so that some progress might be made in the direction of the introduction of the Tenants' Bill and the situation might then be gauged after such introduction, so that if it would then be felt in the light of the progress made with the private Bill, that after all there was nothing to be lost by that Bill being also referred to the same Select Committee as sat over the Government measure and the whole thing coming up for joint consideration before this House on a further occasion—I think such a procedure would really tend not only to satisfy all parties in this House but would enable the Government to claim that really they have not taken sides, really they do not depend merely upon the support of the zamindars with for the moment their satellites."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, I do not want to give a silent vote on this motion, and therefore I wish to place a few facts before hon. Members from my point of view. The hon. Member for the City is most excellent when he is most irrelevant. A great part of his speech was devoted to a reading of the history of the Bill which is quite unnecessary and quite beside the point. The hon. Member wanted to go back to a period of fifteen or twenty years and read all the clauses then formulated and again asked us to go through a number of clauses in the hon. the Revenue Member's Bill with a view to show that there are many things more to be added to the Bill so that it may be more effective than it is at present. Then, Sir, he only read the last concluding portion of the Revenue Member's speech on a previous occasion—which was to his point—and he said that the ryots do want a measure, the measure which he has so ably, so intelligently and with such deep knowledge and experience of the conditions of the ryots, prepared—though admittedly he is neither a landholder nor a ryot, and, much less than that, is not acquainted with the relations that exist between the landlord and the tenant. I concede and I confess that it was only a few weeks back that he took the cue and presided over one or two meetings or conferences where he

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gave out different views on this matter. His Ellore speech is characteristic of his ignorance. This will show that there is anything but clearness of exposition or understanding even from the point of view of the ryot.

"I would not enter into the many points which he has raised, Sir; suffice it to say that he has urged that the present Bill of the hon. the Revenue Member is all one-sided, that it protects only the interests of the landowner, that it ignores the ryot altogether, and he even challenged that nowhere in the Bill could he find any trace of any support for the interests of the ryot or any protection of the interests of the ryot. He is a bold man, Sir, and I am sure he has the courage of his conviction; but accuracy would demand a thorough analysis of the position before saying that the ryots' interests have been ignored or have not been safeguarded. It is too much even for the hon. Member, accustomed as he is, to speak in the strain in which he did, to say that this Bill of the Revenue Member is all one-sided, that it is all supporting the landholder to enable him to get a firmer grip over the ryots. Sir, it passes my understanding that a responsible Member of this House should have the courage to make such a statement on the floor of the House in respect of the provisions of this Bill. It may be due to want of study or understanding. When we look at the provisions in this Bill relating to the ryots' interests and those that exist under the Act of 1908—occupancy right is presumed to exist in the case of every ryot who was in possession at the time the 1908 Act was passed—we can realize what this Bill further develops; that the occupancy right is better safeguarded, that that right is further strengthened in regard to other lands such as Lanka and inam which the landholder is now in possession of. Therefore, it is too much to say that the ryots' interest have been ignored. As I said, the ryots' interests have been strengthened further. In regard to the payment or collection of rent for instance, in regard to the realization of rent, and in other important matters, some of the powers which are vested to-day in the landholder have been minimized and regulated. Again, in regard to irrigation repairs, the provisions have been made sufficiently elastic so that the ryot may have the opportunity to have them attended to at the proper time. These provisions would enable the ryot to have security of tenure in the land properly cultivated and put him in a position to demand that timely repairs should be carried out to the irrigation sources, without leaving them as now, to the sweet will of the landholder.

"I do not want to take up more time of the House, Sir, by going into further details, such as trees and tree pattas, etc., which the hon. Member for the City referred to. I would only say that the custom that prevails in this Presidency is known both to the landlord and to the tenant. There are two kinds of pattas; one where the trees are included in the land patta and the rent also is commuted and included therein; the other where the tree pattas are different from the

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land pattas. Similarly in regard to produce and the commutation of rent, there are different systems prevailing in different parts of the province; and the provisions in the Bill endeavour to reconcile the various customs and various practices that exist in the different parts. How can the ryot say that this Bill is not in his interest, that it is only protecting the interests of the landholder? I would ask the hon. House not to be guided or swayed by the eloquence of my Friend from Chittoor. You know he is a very powerful and plausible advocate. He can make a weak case look strong; he can present a weak case in a manner most attractive, with great eloquence so that you may be attracted to his plea. You will also remember that the hon. Member for Chittoor was a Member of the Select Committee and accepted the report; he knows the interests of the ryots much more than the hon. Member for the City. But yet, the hon. Member in his enthusiasm to plead the cause of the ryots, forgot the conditions under which this Bill has been formulated. For many years himself and others representing both landholders and tenants, took part in the discussion of the principles on which this Bill has been drafted. These principles have been more or less agreed upon, and report after report embodies these conclusions. And the hon. the Revenue Member has been able to wade through all these discussions and arrive at this Bill in the form in which he has presented it to this House. We are grateful to the hon. the Revenue Member for all this. Some hon. Members of this House have suggested that we are undemocratic and unsympathetic. But I ask all hon. Members, sitting on this side or that, 'Are you not in favour of reasonable protection of the interests of the landlord and tenant? Are you opposed to the interests of the ryot in any way? Are you in favour of anything that would cause disturbance in the relations between the ryot and the landlord?' We all stand for the just rights. We are all committed to see that justice and equitable adjustment exist between the landlord and ryot. We do not want either the ryot or the landlord to suffer. Why should we wish that there should be any confiscation of the vested interests of the landholder? We may say from platforms that the permanent settlement is only waste paper, that the ryots as well as the zamindars are only izaradars, and that zamindars are only like toll-gate contractors, as some hon. Members who could not think of a higher or nobler analogy than that, have said. They cannot conceive of a higher ideal than a toll-gate contractor I suppose. Surely hon. Members will realize that this is not what is expected of them. Let matters stand there. Whatever may be the position of these unfortunate or fortunate zamindars, the Government having entered into a contract with them, the right to the property is vested in them. You want to divest them of an immemorial right of theirs. You are not entitled to do so, but I must confess that I have no argument with such advocates, because it means communism or Bolshevism. My Friend, the hon. Member representing the City of Madras, will be the last man, I take it, to advocate such communistic ideas.

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"Now, Sir, my hon. Friend from Chittoor said that the Bill is not very satisfactory even to the zamindars and he quoted in support of his argument from the minute of dissent of Dr. Subbarayan, the democratic damindar. But the last paragraph of this minute shows how far this Bill falls short of the expectations of the zamindars and also suggests that the zamindars in spite of defects are content to proceed with the Bill, and have their rights fully and formally defined so that there may be no further trouble between the landlord and tenant. I want just to read to you this last paragraph of the minute of dissent of Dr. Subbarayan on which so much emphasis was laid. It is this:

'Although the Estates Land Act contains provisions for the recovery of rent by distraint and by sale of the ryot's holding, those provisions are hedged in with so many restrictions that it is very difficult for the zamindar easily and cheaply to realize his rent, and the path of the purchaser is beset with so many obstacles that where a distrained property or a holding is sold it is not easy for him to obtain possession.'

"What further testimony do you want, Sir, to show that this Bill is not one-sided and is not wholly in favour of the landholders? Here is the statement made by a responsible member who feels that the rights of the landholder have been so far minimized that the zamindar cannot easily realize his rent. The hon. Member from Chittoor possibly relied on this to show that the zamindars were not satisfied with this Bill.

"Again, Sir, the hon. Member said 'Why this haste? Why should you rush through this measure? Why not you wait till what we have proposed comes to such a stage that both the measures may be taken up together?' I appreciate that argument, and we have very great respect for arguments coming from the hon. Member from Chittoor. But let us examine the question calmly. Is it not open to any Member to say 'I have my Bill, which is an alternative measure. Please wait till my measure also comes to such a stage that both may be considered together.' But this Bill under discussion was prepared many many months back. There was ample time for these people who are now shedding tears so profusely for the ryots to consider and suggest amendments to this Bill. What have they been doing all this time? Was not this Bill placed before the people affected for consideration and criticism? Had they responsibility enough or sense enough to have their measure placed before the public in time to meet the Government Bill? They knew that the provisions of this Bill were there for a long time. The Bill was published in the papers, in the gazette, etc., so that they could have read it and taken action in proper time. Was that sense of responsibility shown by these people to prove to the parties interested that their Bill is a complete measure so that establish a just claim for its consideration by this House? I heard hon. Members crying out when the hon. Member from Chittoor was speaking, 'Oh, elections!'. I am not one of those who think that the passing of the measure of the hon. the Revenue Member is going to establish popularity one way or the other. The ryot knows his interests. The daily contact between the landlord and the ryot is

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something quite different from what the hon. Members are talking about here. We are now in an unreal atmosphere. Please examine the position in the villages and in the mufassal towns. Is there that rancour, that bitterness, that has been attempted to be made out as existing on the part of the ryot? I know the ryots. It is too much to say that there is such an amount of disgust, disappointment and despair among the ryots. Therefore, to say that the measure that has been proposed by the hon. Member for the City of Madras should now be considered and that it is the only measure that will bring salvation to the ryot is too much. It may be a very good measure. It may contain provisions which from his point of view may be good, but which go radically against the proposals of the hon. the Revenue Member. Is it not one-sided? I do not want to go into the details of these proposals. Take, for instance, only one question, namely, that of rent payable hereafter. It has been stated that the rent hereafter to be paid to the zamindar should be decided and that it should be regulated as the rent of a Government land. In other words, it is suggested that we should do away with all those statutory rights created by the permanent settlement. By one stroke of the pen you want to bring down the zamindar to the position of a pattadar. We know the ryot is half owner, co-owner of the land according to the Estates Land Act. He has the occupancy right and the zamindar has the melvaram right. As an occupancy tenant he is considered co-owner. Now, the arguments advanced here show a grave misunderstanding of the position of the ryot in the mufassal. He has got the right of mortgage, and of lease. He has got the right of sale or transfer. He has got all these rights in the land he occupies. He is, as I said, co-owner of the estate, only subject to the payment of the kudivaram to the landholder. Therefore, under these circumstances, to deny the existence of all these rights which have been accruing to the ryot and to say that the landlord must be obliged to receive rent only to be fixed as if the land is a ryotwari land is not just or lawful. I admit that in zamindaris the rents are higher than in the ryotwari areas. I know estates where I appeared on behalf of the ryots. I was an advocate on behalf of ryots in commutation cases in six zamindaris in my district. This commutation was made at a time when the prices were high and the ryots thought that by such commutation they would be able to get Rs. 100 per acre out of which they need pay the zamindar only Rs. 25 or so. They thought then that the arrangement was very good for them. Now what has happened? The prices have fallen and the zamindari ryot feels that he made a serious mistake as now he is not able to pay even that small rent of Rs. 25 to the zamindar. Now on account of the economic depression the situation has changed. It is also the case with the ryotwari lands. But still the remedy for the present economic difficulties lies not in the proposal made by the hon. Member for the City of Madras. He can propose the necessary amendments to the Bill now before the House, and protect the ryot from the arbitrary demands of rent. The remedy is to propose amendments to this Bill in such a manner that we may improve and thereby

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adjust the relationship between the landholder and the tenant, and enable them both to live amicably. I do not call the other measure confiscatory, but it amounts to depriving property and other rights legally vested in the zamindars.

"Then, Sir, the hon. Member has said, 'Well, what harm is there if you give some more time so that we may take into consideration all the various amendments and see what could be done with regard to our own measure.' In regard to consideration of the amendments, the hon. Members have my full sympathy and support. It is true that the amendments are still coming in and even now some amendments are being circulated; I quite agree that the time is not enough for us to analyse them and put forward reasonable pleas. If an adjournment of a day or two is allowed for this purpose, then it will be quite sufficient. We may collect all the amendments and consider them carefully and thereby minimize the time necessary for the consideration of this Bill. That will be a more suitable method than postponing the measure. I think considering all the circumstances, I am prepared to support the motion made by the hon. Member."

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* Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, my hon. Friend, Sir Patro, felt somewhat diffident to speak after the eloquence of the previous speakers. I have to confess I am under even a greater handicap in rising to speak after his own eloquence has been added to that of the others, who preceded him. I am one of those who from the beginning have held the view that the Estates Land Act Amendment Bill should not be taken up for consideration by the House constituted as it at present is. It is always a mistake for the House constituted in particular circumstances to undertake legislation on the eve of its dissolution, on important matters, knowing full well that another Council is going to come in and that it will be established under completely different circumstances. Our experience of legislation enacted by the Council of the pre-Reform days has not been happy. I have it on the authority of one sitting on the Treasury Bench that he felt that the pre-Reform Council ought not to have taken up the duty of enacting new measures, and that his advice was not heeded; and all of us know with what results the old Council placed the new Acts on the Statute Book. I apprehend that similar difficulties will arise in the case of this Bill, if it is made law. It would be unfair on our part to rush through legislation now when we know full well that the constitution and interests of the new Council are bound to be quite different from those of the present Council. There is another reason why we should not proceed with the amendment of the Estates Land Act. If I remember rightly, Sir, soon after the Bill emerged from the Select Committee and came up for consideration by this House, there was a hurried consultation among the different representatives of the House. It was then understood that the Government Bill should be dropped and at the same time no other Bill should be brought forward during the lifetime of the present Council. However, I must say, in fairness to my Friend Mr. Muniswami Nayudu, that he refused to give a guarantee that, so far as he or his people were concerned, he

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would make himself responsible to give such an undertaking. But, whatever may be the attitude of my hon. Friend, Mr. Muniswami Nayudu, it is clear to my mind that no Member can succeed in introducing a Bill into the Council, if the parties to the first pact stood by their promises.

“Again, Sir, there is another reason why this Bill should not be taken up now. From the discussion I have had with people representing different interests, I find that in the opinion of some people the interests of the inamdars have been given the go-by. Similarly, the ryots are feeling that their position has been made worse in regard to some questions. I have no doubt that the zamindars are convinced that this Bill involves considerable hardship to them. I know that the Bill, as introduced, can be passed into law. That would mean that it crystallizes the ills which different interests are objecting to, and gives stability to the disadvantages which each one is complaining against. And who can say when this Bill, enacted into law, will be taken for further consideration by the succeeding Council? It is one thing to introduce a Bill and compel it to be passed into law and quite another thing for these inequalities to be rectified by another Council, in any reasonable time. There is no urgency for this Act. It has been waiting for 18 years and there is no particular urgency for legislation at present. So, in the interests of all the people concerned, it will be best if the motion of my Friend, Mr. Arasu, is carried, namely, that this Bill do stand adjourned to-day six months, meaning thereby that this should never again come in this Council. If the Government will not agree to such a course, I should say, in all fairness, that they must give an opportunity to the other side also to have their amendments considered. If they are so determined that this Bill should come into operation, it is quite open to them to say that the amendments of the Opposition be referred to the same Select Committee as considered the Government Bill. My Friend, Mr. Venkatachalam Chetti, is quite content that his amending Bill is considered by the same Select Committee; and if necessary, the Government may fix a time-limit within which the further report should be sent. I think it is but fair that other view points should be allowed opportunities for expression in this House.”

* Rao Bahadur C. NATESA MUDALIYAR :—“Mr. President, Sir, I do not understand why such strenuous effort is made to have the Bill postponed. Sir, there was an observation of the High Court that the existing Act is to be legislated upon and to be amended and the hon. Member, Sir Archibald Campbell, brought forward this Bill. This House, including Mr. Muniswami Nayudu, Mr. Venkatachalam Chetti and Dr. Subbarayan, accepted the passing on of the Bill to the Select Committee which was formed of all parties of the House. The Select Committee brought forward an almost unanimous report and the only dissenting note was that of Dr. Subbarayan. Dr. Subbarayan is a frank, open-hearted gentleman. He said ‘My rights as a zamindar are taken away, what can I do?’ His rights are taken away; where have they gone to? To the ryots. So, he cannot say that the ryots did not gain. The zamindars lost something and the ryots

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gained something. (A voice: 'What is that something?') If the amendments brought forward by the Justice Party were to be passed, there will be a Bill which will be most advantageous to the tenant and, even if there is something wanting—there are five hundred amendments and if those amendments advantageous to the tenant are considered and absorbed, you will have a perfect Bill most advantageous to the tenant. I am sure this Council will accept all the amendments short of socialistic and Bolshevik ones. We are all tenants. In the Justice Party, there are a few zamindars and many tenants. The party has the credit of having passed City Tenants Protection Bill into an Act against their own leader, Mr. Tyagaraja Chettiyar. The Justice Party has the credit of having introduced the Malabar Tenancy Bill, and having passed it into an Act. I mean by Justice Party, I include Dr. Subbarayan and Mr. Muniswami Nayudu. They all belong to the Justice Party. One is a Justice democrat and the other is a Justice nationalist. My revered Friend, Mr. A. Ranganatha Mudaliyar, said 'Let us wait for the new reforms.' Why should we deprive the tenant enjoying the advantages of this Act till the reforms come; it may be a year or two. Our object is that the zamindars should exist and that the tenants must prosper. Mr. Venkatachalam Chetti referred to Mr. Forbes. Our zamindars or Rajas were either governors or agents appointed by Nawabs of Carnatic or the Emperor of Vizianagar. The generalissimo of the French army, Napoleon, became Emperor. Sometimes even robber chiefs became kings and emperors. The Emperor of Vizianagar sent out so many governors and they became zamindars and Rajas. So also, the Nawab of Carnatic was also the Agent or Governor of the Moghul Emperor and he became ruler of this place. If I am not offending any one, the East India Company began their career as revenue collectors of Nawab of Carnatic and built an Empire. (A voice: 'You are the King of Chepauk?') We want the tenants to prosper and the zamindars to exist. Generally, our zamindars show a paternal care towards the tenants. I know Dr. Subbarayan and the hon. the Raja of Bobbili show this paternal care, and I learn that Maharaja of Venkatagiri sacrificed a lakh or so in the way of giving remission to his tenants. We want remissions to be given to tenants. At the same time, Government also should give remission to their ryots. In Bengal, the lands of a number of zamindars were auctioned because they were not able to pay their contributions to the Government. We should give privileges for the tenant, short of Bolshevism and socialism. We must be up and doing. Let us see that the tenant gets all the advantages and at the same time also see that the zamindars do not become extinct."

* MR. C. R. PARTHASARATHI AYYANGAR:—"Sir, I was a Member of the Select Committee, and in the proceedings that were conducted there, it was remarkable to notice the amount of distrust that existed in the relationship between the landlord and the tenant, and how every section of the Act was being modelled not on the principle of convenience of both the parties but on account of the fact that one side tried to over-reach the other. This want of trust and goodwill is remarkable and may be

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noticed in the proceedings of the Select Committee by any disinterested party. This is a state of affairs which one must very much regret, and if the Bill is passed now, it will only be creative of more litigation and less of goodwill. The one thing that ought to govern the relations between the landlord and the tenant, viz., goodwill, is gradually being undermined as legislation proceeds from year to year. The original Regulation of 1802 was extremely simple. The Act of 1865 made the relationship a little more complicated, and in the Act of 1908, the complications were increased and became very pronounced. Now, in the present amending Bill there is a lot of difficulties conjured up which may possibly arise between the landlord and the tenant, and the persons who are to decide upon the restoration of mutual goodwill and harmony are third parties, who know nothing of the one or the other. Such a piece of legislation can never be regarded as conducive to the establishment of permanent harmony between the landlord and the tenant, nor will it be regarded as one promoting goodwill among them. No legislation which is based on mutual distrust can ever last long. Only such legislation as is likely to improve trust, goodwill and friendliness will lay the lasting foundation for future good relationship, whereas legislation which does not remove the root cause of distrust and ill-will will always remain as a blot on the legislature of our country. I may say that the new legislation that is to come, if properly elected and if it really represents the best interests of the country, will not look upon this piece of legislation as one calculated to put India on a line of progressive advancement. It will be considered rather as a backward step and not as a forward one. It will be very clear to those people that we have been spending a lot of time unnecessarily imagining possible difficulties. Intellectual difficulties there may be many, but practical difficulties there may be none. As a matter of fact, the new Act is very much concerned with how the decrees are to be executed, how rival decree-holders are to get the sale-proceeds of the tenant's right in the land, and in a way to see that there is more disruption in the village than a concentration of the interests of all in the village to the best interests of both parties, the zamindar and the ryot. You will find, Sir, that instead of the village becoming more and more an aggregating unit where people are attracted to live therein for the best interests of all concerned, it is indeed to disintegrate very fast, and thus new problems will be created. The tenants who will flock to the towns will make the life of the people in towns more problematical. Therefore, simplicity must be the characteristic of the new Act. A tenant's holding ought not to be sold. That is the first principle upon which we ought to proceed. His crops may be attached but not his land. He ought not to be allowed either to mortgage or to sell his land voluntarily, much less should his land be sold for arrears of land revenue. Our ancient village system was based on this wholesome principle, namely, that no land should be alienated. You may study the literature on the subject with profit, the ancient Sanskrit literature and the vernacular literature, and you will find that even the English writers who have written about the village community in India, including Sir Henry

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Maine, are all agreed that the village community is the strongest factor that held the people together in bonds of goodwill and mutual trust. Once break that spirit in the village, and you destroy the whole fabric of Indian life. I am sure therefore that the next Council will regret our attempt to disrupt the village life by allowing sale of individual holdings. They will rather try to see that the holdings are not alienated or subdivided, so that piece by piece the whole thing becomes uncultivable and the cost of cultivation rendered abnormally high. They will also find that rent ought to be collected not in money but only in kind, only as much as one-sixth or one-fifth of the produce of the land, as actual produce is raised on the soil, and not imaginary rent which might or might not have accrued. It means the creation of a machinery which will give a correct idea of the produce of the land and of the division thereof between the landlord and the tenant, according to the ability of the latter to pay leaving a sufficiency for keeping his body and soul together, so that village life as a whole may be a source of happiness and not a source of misery as it is now to most people. This will make the zamindar co-operate with the tenant in such a laudable way. He is certainly interested in the well being of the tenant after all, and it will be to his advantage to see what exactly the tenant wants, such as the repair of tanks, keeping the channels in good condition, the sanitation of the village, the maintenance of the village temple and the village school and such other things, as conduce to the moral and material welfare of the tenants. Such will be the idea that future Legislative Councils will hold before themselves to be achieved in respect of our village life. I have always advocated that the literature relating to the administration of village communities in early India before the advent of the British should be published and studied by everyone, so that we may know how the village communities held themselves fast in those days. There was a time when the village communities in India were very happy when the government of the village was completely in the hands of the common villagers. In these village communities every one knew what the village wanted and contributed his experience and knowledge for the general welfare of the village as a whole. Therefore, the representatives of the zamindars and of the villagers are the best persons to consult each other as to the best way of making life in the village really happy and cultured, so that people may have an attachment for the village, for their homes in the village and for their village life. Considered from that standpoint, you will find that many of the provisions made in the new Act are extremely complicated and make life in the village a misery and a burden and not one in which the cultivator may take an abiding and genuine interest in the welfare of not only himself but also of the landholder. Such being the case, I strongly plead that this present piece of legislation will be regarded as a piece of anachronism by generations to come. Intellectually, it may be regarded as a piece of legerdemain, in which the Legislative Council has been indulging. The Act of 1908 and the rulings of the High Court thereon will clearly show how conflicting have been the decisions arrived at thereon, and how the High Court Judges have

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regarded the Act as very unsatisfactory and very loosely worded. The present amending Bill makes the Act of 1908 worse confounded, and is likely to create greater complications, leading to greater litigation and greater waste of money. Under these circumstances, I heartily support the motion for adjournment because the Bill does not really solve the question of how the village life may be made worth living, so that more intelligent and cultured people may be induced to live in villages and to co-operate with the villagers and lift them from the present degradation in which they have fallen. Then, the zamindar will certainly help to make their lives a happy one, because in the prosperity of the tenants lies the safety of the zamindar. There is no good talking of communism or any other revolutionary movement. But if you only allow the present state of affairs to continue, it will only make the tenant desperate. His condition is already hopeless; his lands are mortgaged to the sowcar and are brought to sale for arrears of rent and he is evicted from his house and from his holding in the village; so that when he is thus let loose upon society in this fashion he will prove to be a greater danger to society than he is at present. Let the zamindar understand the difficulties of the tenant and sympathize with him, come down from his high level and do everything possible in his power to make the life of the tenant a happy and contented one, so that both of them may work together in a spirit of co-operation for the general uplift and welfare of the village community. It will be a source of gratification to the zamindar, instead of his being an object of distrust as he is now. Legislation therefore will have to be made very simple, the whole relationship being summed up in three or four sections, by which the tribunal for the settlement of all questions shall be the village panchayat consisting of the representatives of the zamindar and the ryots. The army of Tahsildars and Deputy Collectors may come in only for the purpose of helping them to solve their disputes and difficulties. As it is, the whole machinery is very very unsatisfactory. A new machinery will have to be created which will decide what exactly the villagers want and what exactly the zamindar ought to do. Then, they will understand each other, respect each other and live together amicably. Our position, I dare say, will be envisaged by the coming Legislative Councils who will be faced with the problems arising out of our present legislation. Therefore I submit that this piece of legislation is unnecessary and need not be rushed through."

The House then adjourned to meet again at 11 a.m. the next day.

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

- * 1. *Rules under the Madras Co-operative Societies Act.*
- * 2. *G.O. No. 3036, L. & M., dated 29th July 1933, fixing the date of retirement of members of the Parachur Panchayat, Guntur district.*
- * 3. *G.O. No. 2953, L. & M., dated 24th July 1933, extending the term of members of the Bezvada, Nuzvid and Bandar taluk boards up to 1st September 1933.*